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ABSTRACT

The Subcommittee met to examine the attitudes and the administration's response to the hunger and the malnutrition of farmworker children. Some questions asked were: (1) What programs had been developed to meet the food and nutritional needs of farmworker families? (2) Were they properly administered? If not, why not? (3) Were there sufficient funds available? and (4) Was the Nation's commitment to the food and nutritional needs of children being met and if not, why not? On May 1, 1972, the Subcommittee heard testimony from a former food program specialist with the Department of Agriculture, Child Nutrition Division on the operations of child nutrition programs intended to benefit migrant farmworker children. Supplemental information presented during the hearing consisted of internal memorandums, letters, requests from States and reports. Among the topics covered were: (1) programs authorized to provide food assistance for migrant children; (2) food stamp program regulations and supplemental material; (3) family assistance and the migrant--an analysis of the 1970 Family Assistance Act to determine its effectiveness in serving the migrant population and to recommend legislative changes and regulation language; and (4) migrants and their problems with the Federal Food Assistance programs. (NQ)

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MIGRANT CHILDREN'S NUTRITION, 1972

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JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON MIGRATORY LABOR

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE

AND THE

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

ON

MIGRANT CHILDREN'S FOOD PROGRAM FAILURES

MAY 1, 1972

ED118333

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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MIGRANT CHILDREN'S NUTRITION, 1972

MONDAY, MAY 1, 1972

U.S. SENATE, SUBCOMMITTEE ON
MIGRATORY LABOR OF THE COMMITTEE ON
LABOR AND PUBLIC WELFARE,
AND THE SELECT COMMITTEE ON
NUTRITION AND HUMAN NEEDS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 6226, New Senate Office Building, Senator Adlai E. Stevenson III, presiding.

Present: Senator Stevenson (presiding).

Staff members present: Boren Chertkov, counsel to the Migratory Labor Subcommittee; Eugene Mittelman, minority counsel; and Nancy Amadei, professional staff member of Select Committee on Nutrition and Human Needs.

Senator STEVENSON. This joint meeting of the Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare and the Select Committee on Nutrition and Human Needs will come to order.

This morning we will hear testimony from an expert in the Department of Agriculture food and nutrition programs which were intended by the Congress to benefit farmworker families.

That many migrant families suffer from malnutrition and hunger has been clearly established by these respective Committee's and by many others over the years.

The food and nutritional needs of migrant farmworker children has not gone unnoticed by the Congress. Among other things, moneys have been made available under section 13 of the National School Lunch Act, totaling some $49 million for fiscal year 1972. These funds could be used to feed preschool children of farmworkers; but it appears that the administration has seen fit to freeze some $13 million of the $49 million, forcing funds that were intended for use in the education of children to be used for the feeding of children.

This hearing is intended to examine the attitudes and the response of this administration to the hunger and the malnutrition of farmworker children.

Some hard questions should be asked. What programs have been developed to meet the food and nutritional needs of farmworker families?

Are they properly administered? If not, why not?

Are there sufficient funds available?

Is the Nation's commitment to the food and nutritional needs of children being met and, if not, why not?

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Our witness this morning is Mr. Marvin Levin, formerly a food program specialist with the Department of Agriculture.

He is intimately familiar with the operations of child nutrition programs intended to benefit migrant farm worker children.

I am very grateful to him for joining us this morning.

STATEMENT OF MARVIN LEVIN, FORMERLY FOOD PROGRAM SPECIALIST WITH THE CHILD NUTRITION DIVISION, U.S. DEPARTMENT OF AGRICULTURE

Mr. LEVIN. Mr. Chairman, members of the committee, my name is Marvin Levin. Through April 28, I was a food program specialist for the Child Nutrition Division of the U.S. Department of Agriculture.

In that position, I was involved with questions of food program expansion and quality.

Prior to joining the USDA, I was employed as office manager, contract officer, and consultant in foreign and domestic child nutrition programs by Sidney M. Cantor Associates, an internationally known consulting firm in the field of food and nutrition.

Immediately preceding that, I was in India with CARE, where I administered two State child nutrition programs which, in addition to other services, provided a hot lunch to more than 2 million children daily.

I have recently joined the staff of CARE and will be leaving tomorrow for Bangladesh where, on loan to UNICEF, I will assist in setting up a famine relief and a countrywide child nutrition program.

The story I have come to tell this morning is not one of dramatic intrigue or high-level political conspiracy; I know of no plot to promote the continued hunger of migrant and other needy children. The story to be told is much more mundane; it is an account of bureaucratic inefficiency, of mismanagement, of ineptitude, of a pervasive—even if not conscious—insensitivity to the needs of poor children and the demands imposed on those who hope to feed them.

In any case, the effect is the same as it might be if there were a conscious plan to keep these children hungry.

If the programs intended to feed the children do not accomplish that goal, it makes little difference whether the effect has been intended.

I am not here to assign the blame to one political party rather than another. The problems I describe are deeply rooted and no doubt existed before the present administration took office. I am testifying out of a deep personal concern for the fate of the migrant child in our society. More than that, I am here because I believe that there is more than ample documentation that the method and manner in which the Department of Agriculture has chosen to implement and interpret the National School Lunch Act, and the Child Nutrition Act, have been especially detrimental to migrant children and probably detrimental to most needy children.

Within the course of this hearing, I expect to present evidence that (1) the Department of Agriculture is not meeting the needs of the migrant children within the capabilities already established by law; (2) The Department of Agriculture is insensitive to the special and widely recognized problems of migrant children; (3) The practices of

the Department of Agriculture have adversely affected programs established for migrants by other Federal agencies; and (4) The Department of Agriculture's poor record of assistance to migrant and other needy children is primarily the result of internal factors rather than a result of inadequate legislation.

The documentation that accompanies my statement is in most instances applicable to non-migrant children as well, but the examples used in this statement are taken primarily from among that group.

I will conclude my testimony with a few suggestions for how I think the situation could be improved.

When I was first invited to comment, I had some hesitation. I recognize that my testimony today may jeopardize my future relationship with respect to Federal employment. I decided that I could not leave without speaking and testifying willingly in the hope that my comments and my experience may be used to improve the programs intended to benefit these children. The plight of these children has been too often ignored, too often sacrificed to questions of personal convenience. I welcome the opportunity to testify this morning and will be happy to answer questions when I have finished.

My first comments will relate to the judgment that the needs of migrant children are not being met to the extent possible under existing legislation.

I do not need to remind the members of this committee that migrant families constitute a particularly needy group. While median family income for most Americans was $8,600 in 1971, the average income of migrant families was less than $3,600, and their families consisted of an average of eight persons.

By any Federal poverty measure, migrants must be counted among our most needy.

While employment has been a problem even for skilled workers in recent months, for the migrant it has been particularly acute and growing worse; but even among the migrants, the children suffer the most.

One of the agencies responsible for alleviating the crushing life conditions of migrant children is the Food and Nutrition Service of the Department of Agriculture, particularly the Child Nutrition Division. The most obvious indication that the Food and Nutrition Service is not meeting the food needs of migrant children may be seen in the fact that other Federal agencies, responsible for other, nonfood aspects of the migrant child's life, are forced to divert large portions of their budgets from these other areas, for example, education, into food assistance.

At the present time, three Federal agencies support programs for migrant children. They are currently spending from eight to ten percent of their budgets on food service.

It is not unreasonable to assume that none of these other agencies, or their grantees, would budget their scarce financial resources for food service if alternative sources of funds were available for that purpose. The alternative source of funds is the Food and Nutrition Service. But the Food and Nutrition Service is not providing the necessary funds, and thus is not meeting the needs of these migrant children.

In fact, a major factor involved in the use of migrant program funds for food service is that the Food and Nutrition Service is too uncertain in quantity and quality. Because food service is considered essential to

the operation and success of migrant programs for children, it is necessary to divert or block migrant funds for food. Thus, we find that title I migrant funds in the Office of Education go for food rather than school equipment or teacher salaries.

The second point I would make is that Food and Nutrition Service insensitivity to the particular problems of migrants has resulted in some extremely adverse effects. Consider the following examples:

1. The Food and Nutrition Service has been repeatedly advised that the parents of most migrant children are functionally illiterate, that yearly incomes of migrant families are almost impossible to estimate, that school and other officials have found that parents must come to the school or a social worker must visit the home to conduct interviews in order to reconstruct family income. Applications submitted without interviews are often so incorrect as to be meaningless. And yet, officials—even in areas considered politically conservative—have almost without exception ultimately certified these children eligible for free meals because they are inevitably found to be eligible.

As a result of these factors, the Department has been urged to authorize categorical certification for migrant children so that individual applications are not necessary. The Food and Nutrition Service has been assured that agricultural migration is an occupational grouping, with known income levels and that authorizing categorical certification for migrants does not open the door to categorical certification for non-poor or not similarly identifiable groups.

In fact, the Departments of Labor and Health, Education, and Welfare, the Office of Economic Opportunity, and 48 States recognize migrants as a special group. The response of the Food and Nutrition Service to recommendations in favor of categorical certification has been silence.

2. An amendment to the National School Lunch Act in 1970 provides that a local school may certify a child as eligible for free or reduced-price lunches on the basis of factors other than those required for formal application or categorical certification.

To date, however, the Food and Nutrition Service has not issued instructions or guidelines for such types of certification, and schools are understandably reluctant to use this provision for fear of not leaving an audit trail. Recommended guidelines were submitted to the Food and Nutrition Service, and the Food and Nutrition Service was advised that issuance of these guidelines or a variation of them would be of special advantage to migrant and Indian children. To date, there has been no response.

3. The Food and Nutrition Service prepares hundreds of sample menus. Four months ago, the Food and Nutrition Service was advised that lunch attendance in schools with large numbers of Mexican American children increased markedly when Mexican food is served, and it was recommended that the technical service staff be asked to develop menus for Mexican American children. To date, the technical services staff has received no such request.

This was a case where no funding was involved.

4. HEW has officially requested that migrant children in title I—Elementary and Secondary Education Act of 1965—migrant programs be categorically certified as eligible for a free lunch. Title I funds are only available to schools with high proportions of specially needy youngsters. Because of their great need, migrant children may be

served under both regular title I and title I migrant funds. Although the Food and Nutrition Service has informed the Bureau of Indian Affairs that State agencies may categorically certify Indian children under title I, no decision has been reached on permission for such certification for migrant children.

5. It has been emphasized to the Food and Nutrition Service that the serious nutritional deficits found among migrant children demand the establishment of a high priority for such children to be covered in the breakfast and special food service programs. Both school and church officials have emphasized the need for greater assistance. One church official reported that the need for a breakfast program was so great that he spent his own limited funds to provide it.

In the area under his jurisdiction, migrant children were found to have cases of ulcerated stomachs due to extreme malnutrition. Yet, the Food and Nutrition Service has taken no actions to meet this very special need.

6. Finally, a recommendation was made to the Food and Nutrition Service that it actively attempt to find alternative ways of meeting the needs of migrant children since—in view of the reported needs and the apparent lack of traditional facilities easily accessible to, and able to assist these children—conventional outlets are inadequate. Again, silence.

These examples, I believe, illustrate insensitivity. The needs of migrants have been amply documented in testimony before these committees and elsewhere, and they have been made known repeatedly to the Food and Nutrition Service. If the legislative authorities are inadequate—and I do not believe that to be the case—the Food and Nutrition Service should have recommended new legislation. Once again, there has been no response; no new legislation has been recommended.

The third point that I wish to make is that the Food and Nutrition Service practices, which limit the availability of funds for food service, have resulted in adverse effects in the migrant programs administered by other Federal agencies.

To many migrants, it appears that the Food and Nutrition Service is at least indifferent to their needs and possibly intent on going out of its way to create difficulties for them. Personally, I feel that the problem is one of perspective; that is, the Food and Nutrition Service has simply divided the country into need and nonneedy, and has applied an averaging approach to both halves with little concern for the smaller units in each half. In this process of averaging, however, the Food and Nutrition Service has undermined and weakened the programs of other agencies. Consider the following examples:

1. The new special food service program—section 13 of the National School Lunch Act—regulations divide the available funds into summer—June, July, and August, and year-round funds.

Programs for migrants, in response to yearly migrations, must begin at many points during a year.

Thus, an application for a program in April is found ineligible for summer funds, and can in any case not be approved because by April, the year-round funds have already been committed. Therefore, unless the sponsoring agency wishes and is able to provide or divert funds intended for other essentials, the programs must operate without food service.

2. Local sponsors of migrant programs may conduct good operational programs, but be incapable of conducting the extensive correspondence required by the Food and Nutrition Service.

Sponsors of migrant programs require a special form of perseverance. Just this year, one local sponsor applied for assistance and was made to place separate applications with seven State and regional offices. Six of the States approved the application; the seventh State and the regional office did not. Another sponsor had to apply to 11 offices and with a similar result.

The children come from and move to many States in the course of a year. By refusing to grant categorical eligibility to migrant children, the Food and Nutrition Service has placed an extremely heavy administrative burden on the sponsors least capable of carrying it.

Because of the inflexibility of Food and Nutrition Service programs, all migrant and program efforts are weakened by the diversion of their funds into food services, and all individual program sponsors are made to spend inordinate amounts of time in the application procedures. The continued high level of diverted funds by the agencies of the HEW and OEO will not diminish until Food and Nutrition Service food funding is guaranteed.

The fourth point I would like to make concerns methods of operation.

There are several internal factors inhibiting the delivery of adequate service. The first one is data collection.

Essential to the establishment or implementation of an informed program is the possession of reliable data. During my work in the underdeveloped countries, I frequently envied the U.S. data-gathering process. Unfortunately, the data disseminated by Food and Nutrition Service, despite all of the advantages of data processing and collecting, is of extremely poor quality. Several factors contribute to this.

First, Food and Nutrition Service requests data which it is impossible for the States to deliver, either because the Food and Nutrition Service has failed to define its terms or because the States lack the resources to make specialized determinations. For example, twice a year, the States are requested to estimate the number of children eligible for free or reduced price lunches, and twice a year, the Food and Nutrition Service publishes these figures and others which indicate that in some cases States provide more free or reduced-price meals than there are eligible children. We know that these figures are misleading and that it results from failure of the Food and Nutrition Service to define "needy," and the inability of the States to make reliable estimates.

HEW solves these problems by providing the States with county estimates of the number of needy children. The Poverty Statistics Division of Census and of HEW—agencies whose expertise lies in the area of data collecting and poverty—feel that States estimates are unreliable and that totals can more accurately be determined from Washington with fine adjustments being made at the State level.

Second, the improbable statistics resulting from these requests are accepted and almost never questioned. A statewide examination of the Food and Nutrition Service monthly or special tables reveals some interesting discrepancies. The special food service program table, covering August 1971, and dated October 22, 1971, shows that Michigan had an average daily summer attendance of 1,024 children.

Yet, Detroit alone—which is considered by most to be a part of Michigan—estimated that 30,000 to 50,000 children participated in its summer program.

The most unfortunate aspect of poor data collection is its impact on program planning. The unreliable estimates of eligible children in the first example are used as target figures. The unreliable reports of program participation are used as estimates for program needs. Failure to adequately document program expenditures has frequently inhibited program expansion.

For example, in October 1971, the Texas Migrant Council applied to the Texas regional office for participation under the special food service program.

Although the regional office determined that the council was eligible and required assistance, approval was withheld because the regional office believed all their $816,000 appropriation had been committed. Five months later, Food and Nutrition Service informed the regional office that on the basis of our estimates from their data, Texas was spending at a rate of $607,000 annually and did in fact have adequate funds for the council. Thus a necessary program was blocked for 5 months because the Food and Nutrition Service lacked clear information on how much money it was spending.

Finally, data to facilitate the expansion of programs to new groups is intentionally not collected. In order to plan a program for migrant children based on probable needs, I attempted in August 1971, to formally gather information on the size, locations, and dates of current participation by migrant children. The letter to the States requesting the information never left the Food and Nutrition Service because, as the note attached to the letter indicated, "the climate is not right."

The second internal factor influencing program operation is administration. It is difficult to imagine that a private business organization could function administratively as the Food and Nutrition Service does. Admittedly, the Department of Agriculture was not set up to be a profitmaking organization. Nevertheless, the lack of a profit motive does not have to preclude efficient administration.

Though the Food and Nutrition Service has established goals for itself, it has no systematic plan as to priorities, time schedules, and methods of operation. Without these specifics, its resources are needlessly dissipated. It failed to make the requests which are logical and realistic in terms of the capabilities of its subordinate organizations.

For example, in response to Public Law 91–248, which required that the States submit State plans of operation for Food and Nutrition Service approval, the Food and Nutrition Service resurrected a plan procedure dating back to the middle 1950's, a plan which had subsequently been abandoned because it was not operational. Having failed in 1950, there was no reason to suspect that it would work in 1970.

The resurrected plan required the States to provide voluminous statistical data on current and future plans of operation. Probably because much of the data requested in the plan had in one form or another already been submitted to the Food and Nutrition Service in other documents, or perhaps because the States were aware that plan approval did not convey any funding authority or, perhaps because the States felt that they could not legitimately plan a program until the Food and Nutrition Service provided them with data on funds and

possible legislative changes, the quality was not particularly good. Most of the State plans had to be returned at least once for corrections.

Aside from generating a fantastic amount of office work, and fulfilling a legal requirement, albeit inappropriately, there has been no noticeable result. The response of those working on the State plans is worth noting: "I really don't know what 'approval' means."

Still, in addition to these and other limitations, the Food and Nutrition Service has failed to establish and allocate administrative responsibility. It has been estimated that roughly 80 percent of the work of a particular section within the Food and Nutrition Service is taken up with correspondence.

A number of people, including myself, have estimated that the average cost of merely writing a letter is more than $55 and that in some cases this figure may rise to $2,000. These costs are so high because, among other factors, employees earning $16,000 to $20,000 in salaries frequently spend more than half their time proofreading letters written by staff members—a task which could be performed by a good secretary.

Not only does the Food and Nutrition Service needlessly squander resources through administrative inefficiency, it fails to allocate resources to implement its stated and mandated goals. For example, the Department of Agriculture established a Deputy Administrator with the assigned responsibility of outreach. This followed on the 1971 amendments to the Food Stamp Act, requiring that all States implement outreach activities.

However, the newly assigned Administrator has not been provided with any staff to accomplish his responsibilities.

There is no systematic plan within the Department as to where it is going, what its priorities are, what it intends to accomplish in a given period of time, and how it will go about accomplishing its goals. Admittedly the Department has established goals. But goals unrelated to any systematic approach once again dissipate resources and do not promote normal efficiency.

A final example concerns the United Presbyterian Women's Association monitoring program, a project with which I was involved. In an effort to keep on the good side of these ladies, the Department squandered what I would estimate to be more than $200,000 in processing a worthless school lunch survey. In the process, we created unnecessary work for the States and alienated many of those involved. Having met and worked with the ladies responsible for this survey, I believe they would—as they finally did—accept the fact that their project should have been abandoned and the money put to better use.

Many more examples of poor administrative practices could be given.

However, more competent sources have commented on Government administrative problems, and I do not wish to belabor the point further.

The third internal factor influencing the operation of these programs must be described as the "politicizing" of programs.

Regardless of the personal politics of the gentlemen present today, I would assume that we all agree that the role of program administration should be apolitical. Nevertheless, lower level officials within the Food and Nutrition Service are making political decisions which should be reserved for political appointees. A measure of the extent toward

which the Food and Nutrition Service has been politicized is indicated in the following examples:

Administrative personnel—personnel preparing evaluation reports on last summer's special food service program were instructed to emphasize the negative aspects of the summer programs. These reports in summary form were presented to Congress as partial justification for limiting and restructuring summer operations.

A member of Congress requested that the Food and Nutrition Service provide information on the number of year-round applications for the special food service program which the Food and Nutrition Service was holding in abeyance due to lack of funds. It was known what information the Congressman wanted. However, it was also known that the decisionmakers did not want to ask Congress for more funds. It was therefore decided at a very low administrative level to respond to the Congressman by answering his question literally.

Since the Food and Nutrition Service only administers the Special special food service program in some of the States, it attempts to respond by providing the information only on those States directly administered by the Department of Agriculture, thereby leaving the implication that present funds were adequate and providing a deliberately misleading answer to the Congressman.

The same Congressman later sent the Food and Nutrition Service a letter clarifying his former request by asking for data on pending applications held by both Food and Nutrition Service and the States. We got around this one by providing him with data on what was being held but not on what was committed. Had he been provided with complete information, it would have been apparent that we required more funds. As it was, there was no way that the Congressman could determine from the information provided how much money was needed.

In one instance, an administrative officer was requested to discuss program delivery with other Federal agencies sponsoring programs for migrant children. As a result of their discussions, drafts of possible interagency agreements were prepared. If signed by both departments, good coordination between the agencies would have resulted for the first time.

Although the other Federal agencies directly responsible for a migrant program were willing to sign the agreement, the Department of Agriculture was not, and returned the agreement to the administrative officer with the note that in view of the funding situation—and I quote—"Let's hold this one."

Additional funds in this case were not at issue, but rather the fear of developing a procedure which might result in program expansion.

The Food and Nutrition Service was called upon to testify on summer funding needs under the special food summer program. During or after the testimony, the Food and Nutrition Service stated that on the basis of field audits it was estimated that more than 50 percent of the recipients receiving assistance under the special food summer program were adults. The statement was based on OIG audits, which constituted only one-sixth of the total number of audits performed.

The audits performed by the section responsible for performance do not confirm the OIG conclusions on adult participation. One could only suppose that the purpose of citing the OIG audit instead of the primary aduit was to leave Congress with the impression that things

were much worse than was the case, thereby possibly undermining some of the support for the program. Once again, many more examples could be given. These examples, however, are intended only to show that the apparently apolitical officials are taking political decisions which may or may not correspond to the administration's thinking.

Gentlemen, I have tried to be exact and to document my testimony adequately. In spite of this, I am sure that the Food and Nutrition Service will find explanations and rationalizations for many of my statements. However, it cannot rationalize or explain why the programs that it administers never work the way we all expect them to.

It cannot explain the continuous general public criticism about the implementation of the programs. Nor can it explain why a program which Congress has so consistently supported and which the public so obviously likes, runs into multiple problems when administered by the Food and Nutrition Service.

The problem with the Food and Nutrition Service is systemic. Even if all of my recommendations are followed, the system will not be sufficiently changed. To do that requires a total overhaul. However, even if system change does not occur, perhaps the programs will be better able to serve migrant children. To this end, I offer the following recommendations:

First. The Department of Agriculture and the Food and Nutrition Service should categorize migrants, and perhaps other occupational groups, as a special target group.

Second. Migrant children should be made categorically eligible for free lunches.

Third. The Department of Agriculture should systematically and regularly collect, analyze, and publish data specifically related to migrants which would enable the various divisions of the Food and Nutrition Service to render maximum service to migrant children and adults.

Fourth. If funds continue to be limited, then a system of priorities must be established. At the very least, ongoing programs designed to serve migrant children and other needy children such as Headstart and title I of ESEA, should receive special consideration.

Fifth. The Food and Nutrition Service should be required to prepare and submit to Congress a Federal plan of operation which among other things would specify where it is, where it is going, how it plans to get there, when different goals will be reached, and what priority it is giving to the component parts of its plan.

Sixth. The Food and Nutrition Service should be required to adopt uniform poverty guidelines that are both internally consistent and consistent with the guidelines set by the Census Bureau and the OEO. They are in the poverty business and the Department of Agriculture is not.

Seventh. If the Food and Nutrition Service is unable to provide reliable data, the function of data gathering should be given to another service, agency, or department.

Eighth. Ideally, Congress should set and publish standards for participation in the school breakfast program and SFSP. Just as the participation of any school in the breakfast program is possible if the school meets established requirements, the participation of any school or institution in the breakfast and special food summer program should

be possible if the school or institution meets the standards set for these programs.

Ninth. In order to assist all needy children, the Food and Nutrition Service should have the authority to go outside of education channels and either work with other State agencies, or directly administer food programs. For example, in certain types of nonschool situations, it may be better to work with the Welfare Department or Health Department or, where these agencies do not exist, operate programs directly or through community groups.

Tenth. Reports covering all applications denied due to lack of funds should be submitted to Congress on a regular basis, and budget requests should reflect these unmet needs.

Eleventh. Finally, one immediate goal should be to make the Food and Nutrition Service program more responsive to needs. It may be that recognized and/or registered nonprofit organizations should be invited to participate in Federal nutrition programs.

I am also convinced that private nonprofit organizations would succeed in lowering the overall program cost while improving the program quality.

At the very least, and prior to any legislative change, Congress should request that the Food and Nutrition Service select several of the national or international nonprofit private organizations already in the nutritional field and have them evaluate the potential role and contribution that nonprofit private organizations could make in the Food and Nutrition Service programs. The operational demands of an external agency could have a greater effect on the administrative aspects of the Food and Nutrition Service than a managerial consulting firm.

Mr. Chairman, I deeply appreciate the opportunity you have given me to appear here today, and I hope that the joint efforts of the two committees involved here today will produce much needed advances for the children of our Nation's migrant and seasonal farmworkers, as well as all other children that must have, as a matter of right, the opportunity to reach his full potential, obtainable only with a fully nutritious diet.

Senator STEVENSON. I hope so, too, Mr. Levin; and I thank you very much for helping us this morning with your excellent statement.

You said at the outset that you had some concern that your statement might jeopardize future opportunities for your Federal employment. I hope that is not the case, and I would certainly hope that no civil servant would suffer retribution for efforts such as yours to cooperate with the Congress and, as in this case, to help people in our society who need it.

Have other public officials in the Department of Agriculture been penalized for raising issues such as you have this morning?

Mr. LEVIN. I can think of one gentleman in the Food Stamp Division who attended a migrant conference 2 or 3 years ago. He said something which resulted in far greater outreach to the migrants. He has not been permitted to travel or be involved with migrants for more than 2 years.

Apparently, the regional office was offended and filed a complaint with the office here in Washington.

Senator STEVENSON. What did he say that was so offensive; do you recall?

Mr. LEVIN. He suggested a plan of operation which resulted in greater benefits going to the program participants.

The regional office apparently did not feel that he should have made this recommendation, even though it did work.

I attended a meeting later on in which the migrant organization praised the gentleman for having made that suggestion, and yet here is a case of a man who was removed from the migrant project.

Senator STEVENSON. Are you suggesting he was penalized because of his sympathy for migrants, or in this case, for speaking out of place or both? Should he have made suggestions quietly and internally, and not publicly?

Mr. LEVIN. Possibly both.

Senator STEVENSON. Are there many such examples that you are familiar with within the Department of officials being punished for speaking out?

Mr. LEVIN. Not punished. I am aware of cases in various divisions of people who have spoken out, or tried to, and who feel that their career has been drastically changed.

I do know of one gentleman who considered working with one of the committees as an official assignment. He was informed that this might jeopardize his career.

Senator STEVENSON. Do you know whether many others within the Department of Agriculture share your own concerns about the dangers of speaking out?

Mr. LEVIN. I can think of others that do.

Senator STEVENSON. How would you characterize the morale within the Food and Nutrition Service?

Mr. LEVIN. I have never worked with an organization where I have seen so many people trying to get out of it. [Audience reaction.]

It is true. Of course, with the Government employment freeze currently in existence, it is difficult to move. And Government jobs do offer a great deal of security.

I do not know that I would be speaking out, very frankly, if I had a great deal of vested interest.

But I would say there are certainly many unhappy, very frustrated people within FNS; they really do not know what to do.

One thing I will say, I am impressed with the quality of personnel within the organization, and I think because it does have such high quality people there, they sense the need; they are very receptive, but feel totally powerless to do anything.

Senator STEVENSON. Maybe that is the trouble, not enough mediocrity? [Laughter.]

Senator STEVENSON. Is there a high turnover rate among the employees at FNS?

Mr. LEVIN. Within the last year, since the freeze, it has been much less; but even while I have been there, we have had a reasonably high attrition rate.

I do not know how to compare it against the rest of the services, but it struck me as being rather high. Certainly in terms of the number who would like to transfer out, it is extremely high.

Senator STEVENSON. You stated in your prepared statement that: "In order to assist all needy children, Food and Nutrition Service should have the authority to go outside of education channels."

Does it not now have that authority? Congressional authority is not required, is it? It is an administrative authority, is that not right?

Mr. LEVIN. It is required to work with the State educational agencies, but in a sense certain functions of the Department should be turned over either to another agency or perhaps to a private organization, or contracted out.

It is very difficult for the eye to see itself, and if you are asking the Department of Agriculture to administer, evaluate, and interpret its own program, it is like asking the tobacco industry to write a report on the advantages or disadvantages of smoking.

It cannot be done objectively. Certain functions that could be transferred to OEO or to HEW are outreach, in other words, program expansion, and program evaluation.

In that case, you would have a supplemental and alternative source of information.

As it is, everything is internal.

Senator STEVENSON. How did Food and Nutrition Services get into the Department of Agriculture, and not in HEW, in the first place? Do you know? Can you tell me a little bit about the history? You have been around here longer than I have.

Mr. LEVIN. It began in 1935. I suppose most of these programs started out, really to get rid of surplus commodities. The Department of Agriculture was administering the commodity program, and it was really an aid to farmers.

Later, it became nutritionally and socially oriented for children instead of farmers—although the Department itself is still concerned with the farmer.

Senator STEVENSON. In your eighth recommendation, you say: "Ideally, Congress should set and publish standards for participation in the school breakfast program and SFSP."

Could you elaborate a bit on that recommendation? I want to know exactly what it is you are suggesting that Congress do.

Mr. LEVIN. Just as with the school lunch, Congress could set criteria. If someone fell within an economic range or if a sponsor met certain criteria—had a specified number or proportion of needy children—he would be eligible to participate.

Just as with the school lunch program, any school could participate if it met the criteria.

Why should the special food service program or the breakfast program be differentiated? In many cases, I feel these programs are more necessary than the school lunch.

Senator STEVENSON. Those are administrative standards, not congressional standards, even though the program may be badly administered now.

Do you believe that the Congress, in view of the failures of this program, should set public standards?

Mr. LEVIN. Congress has set standards for schools coming into the school lunch program.

What does it take to participate?

Congress has made that determination. Any school can participate. It should do the same, I feel, in the case of institutions or nonschool situations.

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Senator STEVENSON. You suggest that even if Congress made more money available, the Child Nutrition Administration might either not spend the funds, or might allocate them unwisely.

Is that a fair recapitulation of what you are saying?

Mr. LEVIN. Well, yes. I do not know that they would allocate them unwisely. Money is there, but there are restrictions on spending it.

Senator STEVENSON. So it is really not such a matter of appropriating the funds but administering the money that we have made available? We are here ostensibly to establish the policies and to make the funds available, and supposedly under the Constitution, the executive branch is there to execute, but when it does not execute, what can we do?

Mr. LEVIN. By setting standards and saying that any institution meeting these standards can participate, Congress can compel the Department to fund a program even if it does not want to spend the money.

The school lunch program has an open-ended type of budget; and only when Congress passes similar legislation for the other institutions will there be a similar situation.

Alternatively Congress would have to be acutely aware of when and how the Department is spending money. Evaluations and audits could be performed by an agency outside the Department, but that would be the only way for the intent of the legislation to take effect.

Senator STEVENSON. You say that moneys are available for the feeding of farmworker children.

Can you tell us a little bit more about those sources of funding? What is the source? How much is available and where is it now?

Mr. LEVIN. I am not sure I understand.

You mean in excess funds?

Senator STEVENSON. Yes; excess funds that are not being made available by the administration for the nutritional needs of migrant children.

Mr. LEVIN. I do not have the figures with me, but I can get them for you later.

I am aware that there are funds that are being held in reserve for special needs, and apparently these needs do exist.

I have encountered many programs that have not been approved because of lack of funding, and yet there are funds held in reserve. I do not know the quantity.

Senator STEVENSON. I believe that about $13 million of the total $49 million appropriated under section 13 of the National School Lunch Act, are being impounded now. It would be helpful, I think, if you would furnish us with what information you can about funds available that are not being used for those to whom the Congress appropriated, the farmworker children.

Mr. LEVIN. Yes.

Senator STEVENSON. Could you tell us a little about the costs of the school lunch program. What figures do we have to determine accurately how much a school lunch costs? We do have to be concerned about the costs of these programs. Do we have accurate, reliable information on school lunch costs?

Mr. LEVIN. Presently several bills based on a school lunch cost of 60 cents are pending in Congress.

I have a table prepared by the Department. It is true that the national average does come very close to 60 cents but the figures are obviously incorrect.

For example, the State of Illinois has a school lunch cost of $1.42. The State of Alaska has a school lunch cost of 68 cents. The State of Minnesota has a school lunch cost of 45 cents.

Now, these are all equivalent lunches. When you average them nationally, you come out with a figure of 68.2 cents for State-administered programs and 67.7 for the regional office-administered programs.

These figures include 7 cents of commodities, subtracting 7 cents gives you an average of 60 cents for a school lunch.

Senator STEVENSON. How do you explain that disparity between Illinois and Alaska for equivalent lunches?

Mr. LEVIN. The Department has never issued standards. Some States includes salaries, some include depreciation.

Since there are no standards concerning legitimate costs of the school lunch, some States consider the program to be completely self-supporting. They do not include depreciation and or salaries are considered State expenses. Other States include these costs and must put in their own money.

We do not have an accurate cost for the school lunch because everyone proceeds differently. Even within the State different procedures are followed. There is no fixed standard because we have never given them guidelines.

Senator STEVENSON. Why not? I do not understand. Is there some explanation for the failure to establish the guidelines at this late hour? Is it sheer incompetence, sheer indifference?

Mr. LEVIN. Of course, I have an opinion.

Senator STEVENSON. What is your opinion?

Mr. LEVIN. My opinion is incompetence. I cannot imagine running a program since 1946 and not knowing the cost of a school lunch.

Senator STEVENSON. It is incredible to me.

Mr. LEVIN. I cannot imagine that the Department has never issued guidelines or standards concerning costs. Yet all programs are funded and based on a "60-cents" assumption. I do not know that this figure is or is not realistic.

I understand that USDA has three projects to determine realistic costs. A consulting firm, the Economic Research Service, and another source have been hired to conduct studies on the cost of a school lunch. I feel it would be possible for me to go to friends I know at Hot Shoppes or one of the other local firms and have them give me realistic estimates down to the cost of a pea. As a matter of fact, the Department has done this for overseas programs.

It seems incredible that the Department would spend a little fortune to determine the costs when the Department has not made the effort itself.

Senator STEVENSON. The effort has not been made to get in touch with professionals in the business of feeding people to get their estimates of what it would cost to supply a given lunch?

It is not very difficult to put together. The USDA estimate is not based on any techniques. It is based on the actual experience in the States and the experience in the States varies from one State to the next because there are no guidelines?

Mr. LEVIN. Right.

The cost of the school lunch is determined by the Federal cash value, the value of donated commodity, and the State and local contributions. The Department really does not know what the figures mean. Yet they use these figures in preparing estimates and setting up legislation which, in effect, says that the maximum rate of a school lunch is 60 cents.

It may be, but we do not know it. Since 1946, we have not known.

Senator STEVENSON. You mentioned the problems of categorical certification.

What factors ordinarily support categorical certification? Why have not migrants been categorized for purposes of certification? Is there something unique about the poverty and needs of migrants?

Mr. LEVIN. I think the primary reason they have not been certified is that they are not a political group. Indians have exercised a great deal of political pressure, and the Department has allowed States to certify Indians under ESEA title I. Migrants, who are also covered by title I, and actually receive special title I assistance have not received similar treatment.

In the Department there is an Indian desk. There is no migrant desk. You have to have high level officials interested in special problem groups.

As it is now, migrants are just another one of the subjects of the Department of Agriculture. I do not think there will be better programing until the Department itself sets up a migrant desk.

Senator STEVENSON. How would that affect administration of these programs at the State and local levels? There was some reference in your statement to the redtape, and the difficulties that follow failure to categorize at the State and local levels.

Mr. LEVIN. In the States that I have been to, California, Texas, Florida, and North Carolina, the State school lunch directors were in favor of this categorical certification. There were no problems from their side. Within each of those States there was a special migrant division concerned specifically with migrant programs. Categorical certification would have allowed a great deal of coordination. In fact, within the Department of Education, there is a migrant division, and in most cases, the migrant coordinator is right next door to our school lunch director.

They could have a very good working relationship. I do not see that there would be any administrative problem as a result of categorical certification.

The Department cannot identify the migrant kids. HEW does have the migrant record transfer system. They have even offered, in many cases, to print out by school the names of these kids so USDA could identify them.

Senator STEVENSON. Do you have any opinions about the general attitudes of city, county, and State officials toward Federal management of these programs?

Are they eager for better administration at the Federal level? Do they want to get on with the job of feeding hungry migrant children?

Mr. LEVIN. When I went out on my trips for migrants, I did make a point of speaking to the local farmers' officials. Some of the farmers were extremely conservative in their political thinking, and yet without exception, even in the most politically conservative areas that I

visited—areas which have been denied funds by HEW because they were segregating—very difficult areas—even there, there was tremendous support for the migrants. In fact, the schools stuck their necks out by accepting obviously improper applications in order to have something on record. So applications from a migrant family may show 12 people in the family; monthly income: $90.

The schools know it could not be true; but they do not have the staff or the time to individually interview the migrant family to determine their income level.

The schools say, "It is our opinion, based on our observation, that there is a needy child, so we will accept the application. That satisfies USDA. Legislation does not require that we go ahead and challenge the application. USDA gives us the authority, but does not require certification.

One farmer, an advisor to USDA, and reportedly the largest employer in the Texas valley, was in favor of the school lunch program, although he was against almost every form of welfare. He said, "Fine. I am in favor of what you can do for the migrant kids." He had some objections to what we were doing in terms of the adults, but that is another matter. [Laughter.]

Senator STEVENSON. Do you have any observations you would like to make about the impact of the Department of Agriculture policies, programs, on the health of migrant children?

You have toured some areas where health conditions are abominable.

Mr. LEVIN. In one area I visited the local health center, serving migrant families and children. They found almost 100 percent parasite infestation and so gave up performing the necessary examinations.

In my overseas work there were generalizations concerning parasites. Up to 30 to 50 percent of food intake can be lost depending upon the type of parasite. There is a great loss in the nutritional value of the food programs because the health programs appear to be inadequate; but I am not able to comment fully on that.

This opinion is based on visits to a few health centers.

Senator STEVENSON. Did I hear you say you leave tomorrow for Bangladesh?

Mr. LEVIN. Yes; tomorrow morning.

Senator STEVENSON. You will have your hands full there. I returned not very long ago from Bangladesh. You will be getting there about the time the monsoons begin, and I am afraid you will discover that in addition to just the availability of the food for hungry people, you are going to have the next to impossible job of distributing the meager funds that are available throughout Bangladesh.

In addition to thanking you for your testimony this morning, I want to wish you well in Bangladesh on a real mission of mercy. The people there are suffering terribly, not just from lack of food, but lack of medical attention. Millions will not even have any shelter during the monsoons.

I am afraid it has been made far worse than necessary by the incompetence of our own Government. We could have acted more quickly. We could have recognized Bangladesh and set up aid programs. Instead, we waited for inexplicable reasons until too late to do what had to be done. You should have been on your way a long time ago, and many others should have and could have, had we acted more quickly.

We have heard here this morning a story of governmental indifference and incompetence, a story which we have heard repeated in many instances throughout all branches of our Government.

It is the kind of thing that gives rise to anxiety and anger in the country, the broad feeling that Government is there to represent and serve everybody except the people.

It will be a better day when funds appropriated by the Congress for the feeding of hungry and malnourished children are *spent* for the feeding of hungry and malnourished children. It will be a far better day, too, when policies established by the policymaking branch of the Government, the Congress, are executed by the executing branch of our Government, the executive branch.

It will also be a better day when we pick up the morning newspaper and find the President of the United States visiting the school lunch program in the Rio Grande Valley of Texas, as you have, Mr. Levin, instead of the home of the Secretary of the Treasury, meeting with Texas millionaires, assuring them that the oil depletion allowance will be retained.

I will instruct the staffs of the respective committees to insert into the record appropriate materials further documenting the nutrition and food needs of migrant children. We will keep the record open for you, Mr. Levin, if you can before you leave submit those additional materials on the availability of Federal appropriated funds for the feeding and the nutritional needs of farmworkers' children.

With that, I thank you again.

The hearing is now adjourned.

(Whereupon, at 11:20 a.m., the hearing was adjourned, to reconvene subject to the call of the Chair.)

APPENDIX I

Exhibits Submitted by Marvin Levin, Formerly Food Program Specialist With the Child Nutrition Division, U.S. Department of Agriculture

Staff explanation: Twenty-eight items (internal memorandums, letters, requests from States, and reports) are submitted by the witness to illustrate points made during his testimony. These documents reveal a pattern of bureaucratic disregard—through formal and informal channels—of information readily available to the Child Nutrition Division of the USDA with respect to the condition of migrant children and their need for special classification. This written record extends over the period that the witness was employed at the USDA, but suggests that at least three Federal Departments: USDA, OEO, and HEW, were long aware of the special problems of migrant children and simply failed to act.

The documents are useful in another respect, revealing as they do the clear differences between internal memorandums that recognize the need for additional funds or authority, and the contrary public testimony of official Department spokesmen before the congressional committees able to provide either additional funds or legislative authority.

Items

(1) Memo dated June 14, 1971, from the witness to Herbert Rorex, Director of the Child Nutrition Division, describing barriers that prevent migrant children from participating in the child feeding programs for which they are eligible, and recommending changes, especially categorical eligibility for migrants.

(2) Memo dated December 1971 from the witness to Mr. Rorex, on the same subject as described in item No. 1. The same problems are discussed, the same recommendations are offered a full half year later. In neither case was any action taken by Mr. Rorex.

(3) A letter dated July 1, 1971, to Mr. Edward Hekman, Administrator of the Food and Nutrition Service, USDA, from Mr. Vidal Rivera, the Chief of the Migrant Programs Branch, title I, ESEA, HEW. The letter seeks interagency cooperation in programming, guaranteed funding for migrant child-feeding programs; it also presses the issue of why migrants should be categorically eligible for programs.

The letter was reviewed by the Deputy Administrator, Howard Davis, on July 2, 1971, and sent to Mr. Rorex on July 7, 1971, with a handwritten note saying that Rivera ought to know better.

Mr. Rivera never received a formal reply to his letter.

(4) A letter dated June 16, 1971, from the Nebraska title I migrant coordinator (under the Elementary and Secondary Education Act), to the Child Nutrition Division. The Department of Agriculture had inappropriately promised that his program would be eligible for food under the special food services program for children, under the authority of Mr. Rorex. Then, in mid-June, the program was informed that in fact there were no funds available for them. Had the director not set aside funds, his children would have had no food.

(5) Nearly 2 months later, on August 2, of 1971, the Department of Agriculture finally responded, acknowledging their error, but indicating that mistakes of that sort help them learn.

(6) Informal letter from the witness to Mr. Rivera, setting out the ways in which eligible migrant children might actually benefit from the programs. The letter notes that it is being sent informally because a formal memo containing information that would lead to increased eligibility would not be cleared by USDA.

(7) A memo dated August 12, 1971, from a regional supervisor of child nutrition programs, to Mr. Rorex, reporting on migrant summer programs, and including a memo detailing how the programs might be made more accessible to migrant children through administrative changes.

(8) Letter dated September 1, 1971, to Mr. Hekman from Mr. Rivera, asking again that migrant children be found categorically eligible for programs. Once again, Mr. Rivera received no reply.

(9) Letter dated March 23, 1972, from the witness to Mr. Rorex, requesting that USDA authorize categorical certification of migrant children, and repeating the supporting arguments for such authorization.

No reply was ever received.

(10) Letter from the witness to Mr. Rorex, dated March 30, 1972, offering an alternative proposal for certifying migrant and Indian children for participation in the child feeding programs. The memo establishes that current legislation would permit such actions.

No reply was ever received.

(11) Letter dated April 14, 1972, from Mr. Rorex to Mr. Davis, concerning the eligibility of ESEA title I programs for Department of Agriculture child feeding assistance under the special food service program for children (sec. 13 of the National School Lunch Act). In the memo, Mr. Rorex suggests that the schools be found "ineligible."

(12) Testimony before the Select Committee on Nutrition and Human Needs on May 7, 1969, on behalf of the Nixon administration. HEW Secretary Robert Finch testifies that it is administration policy that title I ESEA moneys should not be used for food assistance, and that the Department of Agriculture should should be responsible for these programs.

(13) Copy of the report of an Office of Economic Opportunity grantee, on the operation of the Department of Agriculture food programs, particularly with respect to migrants. A subsequent meeting attended by staff of the pertinent congressional committees underscored the findings of the report; namely, that the Department of Agriculture poses insurmountable barriers to Government grantees working with migrants. The practical effect of USDA's lack of responsivity toward the migrants is that other Government agencies must be funded to make USDA programs work. Accompanying the OEO report and available to the committee staff, are 23 signed and witnessed affidavits attesting to program irregularities for which USDA personnel were directly responsible. The affidavits have been retained in official files of the committees.

(14) November 10, 1971, the witness made an effort to reduce HEW, title I–ESEA, and Head Start expenditures for food by circulating copies of an agreement worked out in California that could readily be applied in most of the States. Mr. Dickey, Chief of the Program Operations Branch, returned the memo to the witness with a note asking that it be "held" because of the funding implications for USDA. Because he assumed that Mr. Rorex would not want anything in circulation that might increase funding outlays, one branch chief was able to refuse permission for the witness to send out this already-existing agreement between a State school lunch director and one State's migrant programs coordinator. Adopted on a widescale, it could have resulted in reduced duplication and reduced HEW expenditures for food—despite the fact that that was the stated administration policy.

(15) Draft interagency agreement on food programs dated May 3, 1971. This agreement would have eliminated most HEW expenditures for food and shifted responsibility to USDA. The Draft statement was rejected by USDA.

Note item No. 12, setting out administration policy on this subject.

(16) May 3, 1971, draft letter from Indian-Migrant Head Start Office to Mr. Rorex, expressing an agreement that migrant Head Start Centers would receive full benefits of interagency cooperation.

Mr. Rorex refused to sign the agreement, notwithstanding the fact that it was a proposal fully negotiated and agreed upon by all parties.

(17) An example of informal policy decisions that cripple program administrators, and deny food to eligible children.

Juan Del Castillo, Director of the Food Distribution Division, prepared a memo affirming that a wide range of Child Service Institutions were eligible for all of the available donated commodities. However, Regional Administrators refused to inform State coordinators of the memo, and Isabelle Kelley, Programs Assistant Deputy Administrator, made an informal policy decision not to inform the States that the memo existed. Thus, legal entitlement to the full range of commodity foods was negated by unofficial policies.

The memo was developed because the Montana director refused to provide the full range of commodities to 1,500 eligible Indian children under his authority without proper authorization. (Some regional administrators were encouraging the State personnel to go ahead and use the commodities without authorization.) The memo was issued to meet his needs, but was not applied to any other State.

(18) A Department of Agriculture representative at an Indian-migrant meeting, advised the Indian Head Start authorities they were eligible for the full range of

commodities. However, when Indian Head Start in Montana attempted to obtain the commodities, they could not because the State food and nutrition service director did not know he was authorized to issue the commodities. The regional office (FNSO) hadn't told them.

(19) Memo dated August 26, 1971, from the witness to Mr. Rorex, outlining the reasons why USDA should have an interagency agreement with migrant Head Start.

No reply was ever received.

(20) Sometime before June 30, 1971, the witness sought permission to collect statistical information that would reveal how much food assistance had to be provided by HEW due to shortfalls in USDA programs.

Mr. Rorex refused to send out the survey form to State migrant education coordinators, thus cutting off the opportunity to learn what expense the USDA was causing in other agencies' programs.

Informally, several State directors indicated that the Department of Agriculture had already made it clear that it had no interest in migrant programs.

(21) Letter dated June 9, 1971, from Mr. Rivera to Mr. Hekman, pointing out the damage that new food stamp regulations would do to migrant families.

(22) In March of 1972 the Regional Administrator in the Southwest was given authority to approve the Texas Migrant Council's request for eligibility under the special food service program for children, and was assured that funds were available.

However, because full information on available funds was not provided, the Regional Administrator honestly did not know whether there was enough money, and pending applications were simply never processed.

(23) In January of 1971, the Director of the Office of Economic Opportunity had written to the Secretary of Agriculture, reviewing recent discussions between OEO and USDA staff, with respect to the participation of migrants in the USDA food programs. Mr. Carlucci specifically requested that migrants be found categorically eligible for USDA food programs, and detailed the justification for such action.

(24) Reply to Mr. Carlucci from Acting Administrator Howard Davis, choosing to misinterpret or ignore known information and denying the OEO request on behalf of migrants.

(25) In September 1971, a second attempt was made to collect data on migrants and food services, and again the request was denied. The denial was based on "* * * the climate such as it is now * * *."

(26) Handwritten note dated July 2, to Mr. Rorex, concerning a letter from Mrs. Pat Young, director of the Church Women United and United Presbyterian Women. The note is useful on two counts. First, it documents the Department's desire to contain expansion of the school breakfast program, and second, it expresses Department desire to curtail the Presbyterian Women's efforts to "see that a job is done."

(27) June 1, 1971, memo from Mr. Rorex to Mr. Davis, the shortage of funds for the summer nonschool feeding program. Subsequent testimony before the Select Committee on Nutrition and Human Needs (Part 6, Summer Feeding Program and USDA Decision To Withhold Funds for Section 32, June 25 and July 22, 1971) revealed that even larger program deficits became known shortly.

(28) Despite the existence of Mr. Rorex's memo, and despite the fact that the USDA was calling the States to say that there would not be enough money to provide the funds promised for the summer lunch programs, Richard Lyng testified to the contrary before the Senate Committee on Agriculture and Forestry on June 8, 1971.

Item (1)

JUNE 14, 1971.

To: Herbert D. Rorex.
Through: Gene Diekey.
From: Marvin Levin.
Subject: A description of some of the factors inhibiting the extension of CND programs to migrant children child nutrition division.

I. INTRODUCTORY COMMENTS

The problems and possible solutions categorized below apply specifically to summer programs for migrant children. However, these "problems and possible

solutions" are to a significant degree applicable to year around migrant programs and to some extent to all Child Nutrition Division programs. In this report no effort has been made to document the special needs of migrant children as ample documentation on their needs is available elsewhere.

II. BACKGROUND

OEO, HEW, and Labor operate various special programs for migrant children, both on a summer and on an all-year basis. The largest program in terms of the number of children and number of centers is operated by the HEW Migrant Division through the State school system. During 1970, more than 900 projects covering approximately 235,000 children were in operation as a result of the availability of title I migrant funds. This year the number is expected to be higher. All other migrant programs (day care, special migrant Headstart, etc.) probably account for an additional 10,000 children.

An essential component of all the title I programs and most of the other programs is a feeding operation. Most of the title I programs are structured to include a feeding program which provides migrant children with a breakfast, lunch, and two snacks. Other migrant programs (not title I) provide similar food services, but with a higher incidence of dinner, that is, breakfast, lunch, dinner, and two snacks. Although title I funds are not appropriated for nutrition, last year approximately $4 million of funds meant for the education of migrant children were diverted into necessary feeding programs. OEO and Labor also diverted funds meant for training, health, and welfare into the feeding programs. This year as a result of USDA's being unable to assist to the full extent necessary, scarce resources meant for essential nonfeeding programs will be diverted into feeding operations.

A review of the programs offered by HEW, OEO, and Labor indicates that the feeding component of most of their programs for migrant children should be funded under the special food services programs for children. Nevertheless, last year although HEW alone operated programs for 235,000 migrant children, USDA had SFSPFC programs assisting only 29,222 children. This year our record of assistance to migrant children should be more impressive statistically and I may serve to satisfy critics of the Department, even though the actual amount of assistance has probably not increased significantly. This will become apparent from the illustrations and problems indicated below.

III. OVERALL PROBLEMS

A. *General Comments*

The outline of problems given below could form the basis of criticism of the Department by Members of Congress and other interested groups. Specific examples of some of these problems are given in section IV. It would not be difficult, given adequate time, to provide examples of all of the problems listed. Suggested solutions are provided in section V.

B. *USDA insensitivity and lack of awareness*

1. Non-Categorization of Migrants as a Special Group.—Among other things, non-categorization has resulted in: (a) The failure to establish an overall plan of assistance for migrant children; (b) Incomplete participation of migrant children in USDA programs. In some cases no participation of migrant children in our programs; (c) Poor or no coordination of our informal efforts with the formal programs of OEO, HEW, and Labor; (d) Duplication of work already completed by other Federal departments, resulting in unnecessary effort and expenditure by USDA and the States.

2. Referrals.—Program information and referrals without qualifications are made to potential participants, even though we are aware that the funding situation is critical and that the chances of approval are slight. The applicant with great effort goes through the laborious process of applying, only to be advised later that funds are not available. This lack of candor leads to problem 3.

3. Reluctance to Become Involved.—Because of the delay and uncertainty of program approval, many potential applicants are reluctant to apply for USDA assistance. They cannot place their entire program in jeopardy by waiting for possible USDA approval, and so they divert some of their own scarce resources into a feeding operation.

4. Specific Problems.—Lack of documentation, insufficient proof of income, lack of trust in Government, and the unwillingness of migrant families to sign income statements have been documented by other Federal and State agencies.

Within USDA, this has resulted in migrant children not receiving free- or reduced-price meals.

5. *Inconsistencies.*—Identical programs in different States are covered by different interpretations. In one State a program may be covered by the SFSPFC, whereas in another it will be covered under the national school lunch program. This has resulted in extra bookkeeping, nonparticipation and incomplete participation.

C. Funding problems

Underfunding has resulted in a failure to achieve the full potential for programing, delays in approval, and reluctance to work out interagency agreements.

D. General problems

1. Preference under the special food services programs for children (SFSPFC) is given to year-around programs, whereas the key requirement periods for migrant children are short term.

2. The lack of records concerning the number of applications denied because of lack of funds prevents adequate projections of future requirements.

IV. EXAMPLES OF OVERALL PROBLEMS

A. General comments

The details provided below were obtained from HEW, OEO, Labor, and personal visits to the regions and States. These examples could be expanded both in quantity and quality of description. The bracketed letters and numbers at the end of each example refer to the factors in part III which were most important in the particular problem.

B. Specific examples

1. New Jersey.—SCOPE, an OEO funded project scheduled to begin operation in six counties of New Jersey on June 14, 1971, has not received approval for assistance under the SFSPFC (as of June 11). They requested three meals and two snacks. (B2, C, D1.)

2. California.—(*a*) Approximately 8,000 children enrolled in migrant title I summer programs are not receiving any assistance for breakfast, lunch, or snacks because the State agency does not have adequate funds to assist them under the SFSPFC. (B1b, B2, B3, B4, C, D2.)

(*b*) Approximately 22,000 migrant children are paying 30 cents for lunch rather than receiving free lunches because the parents of these children have not applied for welfare and have not signed income statements. (An alternative to the income statement is suggested in section VF.) In the opinion of the State officials, most of these children would qualify for welfare assistance if their parents would apply, and presently they would qualify for free lunches. Title I funds are in some cases used to offset the 30-cent charge.

3. Texas.—Approximately 10,000 children are enrolled in the school lunch program. Between July 1 and August 15th, title I funds are used to cover the expenses of the school lunch. Breakfast and lunch are paid for by title I for all year and summer programs. Both the State agency and the title I migrant coordinator indicated they would welcome coverage under the special food services programs for children, even though they recognize such coverage would come from the regional office.

4. New York.—Because approval for program assistance under the special food services programs for children has not been received, 5,500 migrant children are being assisted by diverting Title I funds.

5. Virginia.—Approximately 700 children are being assisted via title I funds because of insufficient funds under the special food services programs for children. Only commodity assistance is being rendered.

6. Florida.—Approximately 4,000 children will be funded under the special food services programs for children at approximately 50 percent of their requirement because of insufficient funds. Title I funds will make up the difference.

7. Michigan.—Approximately 8,000 migrant children will be funded under the school lunch program. Title I funds will make up the difference between what is provided under the school lunch and what is required for the children.

8. Nevada.—EOB of Clark County, Nev. (an OEO-funded project), is negotiating for assistance under the special food services programs for children. Assistance is unlikely.

9. Florida.—In order to provide adequate food assistance, the title I migrant coordinator has agreed to pay the county $1,000 per class of 20 migrant children

per 180 days for preparation and personnel assistance. Last year $160,000 of title I funds were used to meet this expense.

10. South Carolina.—OEO has funded projects for food services in South Carolina and Texas which could have and should have been funded by the special food services programs for children.

11. Nationally.—Slightly less than $4 million was spent last year by HEW to fund food services which could have been included under one of our programs.

12. Child Nutrition Division.—Is attempting to quantify its assistance to migrants. We are in the process of requesting the regional offices and the State agencies to advise us on the number of migrants being assisted. This information, including information on where we have not assisted is available through the various Federal and State agencies that have special programs for migrants.

V. POSSIBLE SOLUTIONS TO SOME OF THE PROBLEMS

A. Categorize migrants as a special needy group

HEW, OEO, Labor, and the White House categorize migrants as a special problem. USDA, while not formally categorizing migrants, does so informally. By formal categorization we would facilitate the establishment of an overall plan of assistance to migrants. Informal recognition inhibits the establishment of any priority system, inhibits adequate funding, does not take into consideration the special problems of migrants, inhibits program consistency between States, and inhibits adequate coordination with other Federal agencies.

B. Obtain adequate funding

The special food services programs for children must be adequately funded. If HEW has programs requiring food assistance for 235,000 migrant children and other agencies have programs for approximately 10,000 children, it would seem that we would require special food services programs for children funds adequate to cover their needs in addition to our other program needs under the special food services programs for children.

C. Clarification of eligibility under SFSPFC

According to HEW, approximately 90 percent or more of the title I summer programs for migrants are nonaccredited and nongraded. When the programs have been classified by a region or State as a program to be funded under the special food services programs for children these programs have received more assistance and have had less title I funds diverted into feeding. When they have been classified as a program falling under the school lunch program, they have received less assistance from USDA and have had significant title I funds diverted into feeding. Yet a review of the program contents under the special food services programs for children and school lunch indicate they are identical. Clarification of eligibility is required in order to prevent subjective interpretations.

D. Coordinate programs

HEW, OEO, Office of Child Development, Labor, the States, and regional offices have indicated a willingness to work out a plan whereby their applicants and grantees would be specifically tied into our programs. An example of the type of agreement that could be worked out is as per the attachment to this report. Until we can guarantee program funding, we cannot enter into any agreement. Coordinated programs would prevent unnecessary referrals and reduce administrative costs.

E. Accumulate data through other agencies

Most of the USDA/Child Nutrition Division programs for migrant children are components of larger programs. Food services account for approximately 4 to 10 percent of HEW, OEO, and Labor programs. If the Department specifically ties its assistance to the programs of other agencies, agreements on sharing data and reports could be made.

F. Utilize alternatives for determining eligibility for free and reduced price meals

Many migrants refuse to sign income statements, thus making their children ineligible for free or reduced price meals. The reasons for this have been documented elsewhere, notably in HEW and OEO special reports.

A recent survey completed by Labor indicates that the family income of farmworkers is less than $3,600 and that the average family size is eight (two adults and six children). By knowing the occupations, number, and ages of family members, it would be possible to estimate a yearly income. This indirect method of

estimating income would give a reasonable approximation and still preserve the dignity of the applicants, thus allowing the Department to fulfill its stated goal of assisting the Nation's children.

It should be noted that a system of this sort (classification by occupation and family size) is used by the Department of State and by U.A. Agency for International Development in rendering food assistance to children in underdeveloped countries.

VI CONCLUSIONS

The special needs of migrants will not disappear and will probably become more pronounced before the situation improves. It would be better for the Department to plan a program rather than react to a crisis.

Although it is probably too late to make major changes which would significantly affect the migrant child this year (and in view of the funding problem under the special food services programs for children which is accentuated by the fact that our regional offices are encouraged to give priority to all-year programs), nevertheless, it is felt that a departmental declaration of priority with respect to migrants might result in aiding some of the more precarious migrant programs.

Item (2)

To: Herbert Roux.
From: Marion Levin.
Subject: Extension of Programs To Migrant Children.

DECEMBER 1971.

RECOMMENDATIONS

1. Migrants should be classified as a special group by U.S. Department of Agriculture.

(*a*) They are already classified as a special group by HEW, OEO, and 48 out of 50 States.

(*b*) Classification would allow for greater consolidation of existing programs the unification of the Department programs with State and other Federal agency programs and for the establishment of needed priorities.

(*c*) Through classification direct support of migrant programs may be possible.

2. Categorical certification of migrant children as eligible for free or reduced price meals should be considered.

(*a*) Migrants are categorized by occupation (Economic Research Service estimates average daily income equals approximately $12 per day for the male and $10 for the female; average yearly working days equals 80) not by social, racial, ethnic groupings. Accordingly, it could not be argued that by allowing them to be so certified it would necessarily follow that other groups as for example Indians, would also be eligible for categorization.

(*b*) All migrant children are eligible for title I and title I migrant funds thereby indicating they are especially needy.

(*c*) Clear identification of migrant children at local and State level can be effected throughout the United States by school records and/or the migrant date transfer system.

(*d*) Migrant families are generally functionally illiterate and cannot properly complete the free and reduced price lunch application.

(*e*) Although no instance was found where a migrant child was declared ineligible for a free lunch based on the eligibility levels, a review of applications indicated that financial data on most of the applications was obviously unreliable. It was found that schools were in fact serving free and reduced price lunches to recently arrived migrant children even though a high percentage of their applications had not been received. It was anticipated that they would be in fact eligible; however, this forces the schools to work outside the regulations in order to meet the immediate needs of the child.

(*f*) Reasonably reliable financial data on migrants could only be obtained when and if a family member came to school for an intensive interview, or when and if the school-home visitation worker made a home visit and conducted a family interview. Administratively both procedures place a heavy burden on the school.

(*g*) Family income data must be carefully reconstructed by personal interview. In the three States reviewed, it is estimated that less than 10 percent of the migrants (closer to 5 percent) would not qualify for a free meal under existing standards.

(h) Because the child may move from two to five times each school year—he's faced with reapplying for lunch eligibility.

(i) The three States reflected an estimated migrant schoolchildren universe of: Texas, 70,000; Florida, 50,000; California, 80,000; total, 200,000.

(j) An estimated 90 percent are enrolled in schools participating in a national school lunch program. It has been estimated that 95 percent or 170,000 are receiving a free or reduced price lunch * * * of which less than 2 percent are served at the reduced price.

(k) All three States are favorably inclined to the categorical certifying of migrant children.

3. An extensive survey of Child Nutrition Division programs for migrant children should be undertaken.

(a) It is extremely probable that the Department could establish that it is meeting the needs of migrant children in the school lunch program.

(b) Information collected would allow the Department to formulate plans which would satisfy the various critics of the Department.

(c) If desired, Programs Operations Branch in cooperation with the University of Miami and other universities could develop and implement a survey instrument which would provide the needed information in 2 to 3 months at little expense beyond per diem and salary.

4. Because of poor intrastate relations affecting our programs and because of the many types of program violations observed:

(a) USDA should consider assigning someone on a permanent basis (an extension office . . . a la food stamp setup) within each major program State. Initially an assignment could be made at the State agency level.

(b) Many if not most of the problems within a State could be worked out simply by having a Federal worker present to facilitate communications between various State and local government agencies.

5. Certification of migrant children (and in fat all children) eligible for free and reduced meals should be extended from the close of 1 fiscal year to the end of the first complete month of operation (for example, the end of September).

(a) School lunches are served from the first day and any school with a large number of children receiving free or reduced-price meals cannot issue and process applications.

(b) During the first month of school, school officials are overburdened with regular school processing and therefore cannot devote the time necessary to adequately review and process lunch applications.

6. Priority under section 13 should be extended to migrant day-care centers.

(a) Ongoing and potential day-care centers absolutely require federally supported food service programs if they are to be viable.

(b) The early working hours of the parents usually results in the migrant child missing the morning and noon meals (or eating inadequately during these periods).

(c) Without such centers, many migrant school age children miss classes in order to care for the younger preschool children, or the parents bring the younger children into the field where they work in violation of child labor laws.

(d) Actual cases of malnutrition were observed and reported for preschool migrant children. It could be embarassing to the Department if this is made known to Department critics.

7. School breakfast programs are especially necessary for migrant children. Therefore a priority should be established at the Federal and State level in approving applications for school breakfast programs for schools with large migrant enrollments.

(a) Same justification as for the special food service programs above applies.

(b) Schoolteachers have specifically indicated that a school breakfast program would be especially advantageous to the migrant child.

8. NTSS should be requested to develop a menu-planning guide or food pattern especially applicable and acceptable to Mexican-American children. (All migrant children interviewed expressed interest in receiving more ethnic foods.)

9. A survey should be undertaken to determine how food and nutrition service child programs can be extended to the migrant preschooler that are not currently being reached by any Federal program but which are in great need.

Item (3)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., July 1, 1971.

Our Reference: BESE, DCE, MPB.

EDWARD J. HEKMAN,
Administrator, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. HEKMAN: Our office has been in close contact with personnel of the U.S. Department of Agriculture's Child Nutrition Division in order to facilitate the delivery of food services to migrant children in the title I migrant education program.

The title I, ESEA, migrant education program served over 900 school districts and approximately 235,000 children this year. Although our funds are earmarked specifically for education, we have had to assume the additional burden of providing necessary food and health services whenever they have not been available from other sources. In the past as much as 7 percent of migrant education money has been budgeted for food and nutrition. Whenever possible migrant children are included in the regular school lunch program but during the summer months when the school lunch program is usually inoperative, we must pick up the expense. Most of our projects provide breakfast, lunch, two snacks, and in some instances, dinner. With an approximate summer enrollment of 100,000 children for an estimated 50-day period, the amount of vital funds for educational services therefore is greatly reduced.

The U.S. Department of Agriculture's Child Nutrition Division has repeatedly encouraged our State migrant coordinators, state department of education, to apply for the school lunch and special food services programs for children. In some cases, results have been satisfactory but many times the formal commitment from the U.S. Department of Agriculture is too late in coming to be considered in the planning of a project and provides only partial assistance. Thus, the money is budgeted out of the migrant allocation. The possibility of being only partially reimbursed after the USDA application is approved has been a continuous problem.

As field reports and surveys by other agencies indicate that migrants fall well below the U.S. Department of Agriculture's minimum poverty level requirements, we suggest that designating migrants as a general category eligible to receive free or reduced meals would be the most satisfactory means of dealing with the situation.

In order to insure State migrant coordinators a greater degree of budget flexibility in their planning for the coming year, we would like to obtain a commitment from the Department to serve our estimated 100,000 nonacademic credit (as determined by State educational agencies) summer project children as well as 135,000 school year children. Our coordinators could then apply for USDA services with the assurance that funds would be available to the project.

Sincerely yours,

VIDAL A. RIVERA, JR.,
Chief, Migrant Programs Branch,
Division of Compensatory Education.

HUGH:

1. Try to call Rivera right away.
2. Explain why the delay in contact—SFSP fund hassle, continuing resolution work et cetera.
3. Thanks for his invitation, we are interested.
4. This is very much in line with section 13 of CNA—for other agencies to transfer funds, as a stated and USDA to budget on long range.
5. Could we start talking about "interagency" session to explore.
6. Then write him for Hods' signature along line of discussion.

HERB.

MEMORANDUM

NOVEMBER 20, 1972.

To: Herb Rorex.
From: Howard P. Davis.

He is asking for an impossible guarantee. We can't promise to fund a migrant feeding program as such.

They have to take their chances with local school districts in States where they are located—all within the State's apportioned share.

Rivera ought to know by now how we are organized and that we must work through the State agencies.

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
MIDWEST REGIONAL OFFICE,
Chicago, Ill., June 28, 1971.

Subject: Special food service program—Nebraska.
To: Gene Dickey, Acting Chief, Program Operations Branch, Child Nutrition Division, Washington, D.C.

Attached is a letter from Mr. Richard L. Bohy, director, Nebraska migrant programs relative to the above subject which we are forwarding for your information.

R. H. CERVENY,
Acting Regional Supervisor, Child Nutrition Programs.

Item (4)

NEBRASKA MIGRANT PROGRAMS,
June 16, 1971.

Mr. KEITH KEELEY,
Special Food Service Program, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. KEELEY: During the Third Annual Interstate Migrant Coordinators' Conference at the Burlington Hotel in Washington, D.C. (January 1971), you made a presentation encouraging the inclusion of migrant education programs in the Department of Agriculture's special food services program.

Since Nebraska operates only summer migrant programs, it appeared that Nebraska's fiscal year 1971 migrant programs could qualify for reimbursement under the special food services program. With assistance from Nebraska school food service personnel and from personnel in the Midwest Regional office of the Food and Nutrition Service, U.S. Department of Agriculture, the necessary application forms were procured and completed. On April 27, 1971, Nebraska's completed forms were forwarded to Mr. R. J. Nelson of the Chicago regional office.

Shortly thereafter, we received a phone call from that Chicago office requesting some additional narrative information. On May 5, 1971, that information was provided in the form of a letter.

No communication took place between May 5, 1971 and June 14, 1971. Then, because of our concern about the silence, I called the Chicago office. During that phone conversation, I was informed that Nebraska will quite possibly receive no reimbursement under the special food services provision, since the moneys available for this program have been exhausted prior to the end of the fiscal year.

Fortunately, our migrant funds are adequate to cover the costs of food programs in operation, but I am sure you can recognize the potentially critical financial situation that could have been created.

While I realize that none of you control directly the funding, it would seem that a state could be informed that funds were not available. But, it seems to me, were encouraged to make application for funds which were known to be nonexistant even while the application process was being completed.

I don't know if you are the appropriate official to field these concerns. However, if you are not, I trust that you will make this letter available to the correct officials, for I am very concerned about the potential crisis which could be created if this situation is real, or if it should be permitted to occur in the future.

Thank you for your time and interest.

Sincerely,

RICHARD L. BOHY,
Director.

Item (5)

PROGRAM OPERATIONS BRANCH,
CHILD NUTRITION DIVISION,
Washington, D.C., August 2, 1971.

Mr. RICHARD L. BOHY,
Director, Migrant Programs, State Department of Education, State Capitol Building, Lincoln, Nebr.

DEAR MR. BOHY: Thank you for your June 16 letter concerning the Department's encouragement of application by migrant organizations for assistance under the special food service program for children.

We wish to apologize for any difficulties we may have caused you in formulating your programs. At the time we encouraged organizations to apply, our information and funding ability under the special food service program led us to believe that we would have more than enough funds available to assist programs such as yours.

Even when we became aware of probable difficulties in late May, we anticipated that, just as in previous years, there would be adequate funds available once we had completed reapportioning those funds which had not been spent by other States. However, by the end of the first week of June it was determined that there would neither be adequate funds after reapportionment or as a result of internal transfers within our total budget.

Subsequently, we have found it possible to provide additional funds for the summer feeding programs. These funds together with funds already available from earlier allocations, will provide a total of $29.9 million for this year's summer programs, compared with the use of $5.8 million for last year's summer programs.

Although we recognize the program dilemma we have caused you, we nevertheless feel that your application for assistance was necessary in order for the Department to plan its future budgetary requirements.

The unanticipated overwhelming response for assistance under the special food service program has resulted in a reevaluation of our budget for this program. Although we failed to meet your needs last fiscal year, your application will enable us to plan appropriately for this fiscal year.

Thank you for writing and we hope this experience will not discourage you from applying this year.

Sincerely,

/s/ ——— ———,
Director, Child Nutrition Division.

Item (6)

DEAR VIC and ELLIS: Enclosed is a copy of our regulations concerning eligibility for free- and reduced-price lunches. Also enclosed is a copy of our regulations concerning the national school lunch program. I have underlined in red those parts which could be important in your programs.

As you know there appear to be some problems in some States for certifying migrant children as eligible for free- or reduced-price meals. Since most of your programs are operated throught the school system, it seems to me that the coordinators who arrange the program locally could at the same time arrange for the local school food authorities to certify the migrant children as eligible for a free- or reduced-price lunch.

It hardly seems possible that the same local school authorities who accept and approve a title I migrant program could turn around and say thet these children are not in need of a free lunch. Since the amount reimbursed in the school situation is determined locally by the school officials, it would seem that the initial program discussions should include a discussion on lunches, breakfasts, etcetera.

At the State level, I would suggest that your coordinators have a discussion with out State directors concerning the issuance of a letter from the State to all local school districts suggesting that migrant children be considered eligible for free meals without a formal application. Although the local school districts make their own determination, the State director's letter will carry tremendous weight. If, as I suspect, some school lunch directors are reluctant to issue such a letter, your coordinators could, in my opinion, take this matter up to the State superintendent, or whatever he is called. Our State directors are acting on his behalf and if the State Department of Education feels that migrant children should be eligible for free meals, our State director won't fight it.

86-201—72——3

At the State level you might also clarify whether migrant programs are formal educational programs or enrichment programs. This is a State determination. If the State feels they are not formal educational programs, the children would be eligible for assistance under the special food service program rather than under the school lunch. Under the SFSP, the children would be eligible for breakfast, morning and afternoon snacks, lunch, and dinner. Your coordinators could be reimbursed up to 95 cents per day or on an 80 percent basis. For the summer programs I think we would be better off having this under the SFSP, the rate of reimbursement could be determined at the State level or Federal level—when the SFSP is administered by the Feds.

I am not sending this as an official letter because I don't think I can get this out. As you know, USDA prefers to avoid any conflict and I'm suggesting that your people must be prepared to take their case to the superintendent if migrant kids are to receive all that is possible.

Best

MARV.

Item (7)

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
MIDWEST REGIONAL OFFICE,
Chicago, Ill., August 12, 1971.

Subject: Summer Migrant Food Service Programs—Wisconsin State Agency.
To: Herbert D. Rorex, Director, Child Nutrition Division, Washington, D.C.

Attached is a copy of a letter from Mr. Post reporting Wisconsin schools conducting summer migrant programs this year.

Also attached is a copy of an earlier memo from Mr. Post to the Wisconsin migrant programs supervisor offering assistance in developing guidelines for implementation of these programs as well as statistical data developed from 1971–72 application agreements received and anticipated.

R. H. CERVENY,
Acting Regional Supervisor, Child Nutrition Programs.

ANTICIPATED PROGRAM, STATISTICS DEVELOPED FROM 1971-72 APPLICATION AGREEMENT [1]

Name of school	Number of days	ADA	Number of lunches	ADP	Amount claimed	Number of days	ADA	Number of breakfasts	ADP	Amount claimed	Number of free meals	Amount claimed
Hartford (K)	28	40	1,120	40	$134.00	28	40	1,120		168.00	1,120	537.60
Montello (H)	30	55	1,650	55	198.00	30	55	1,650			1,650	792.00
Watertown (K)	27	75	2,025	75	243.00	27	75	2,025		303.75	2,025	972.00
Oakfield (H)	40	29	1,120	28	134.00	40	28	1,120		168.00	1,120	537.50
Berlin (H)	30	60	1,800	60	216.00						1,800	864.00
Cambria (R)	45	110	4,950	110	594.00						4,950	2,376.00
Lake Mills (K)	40	185	3,000	75	360.00	40	75	3,000		450.00	3,000	1,440.00
Two Rivers (R)	29	45	1,305	45	156.60	29	45	1,305		195.00	1,305	626.40
Burlington (D)	33	370	12,210	370	1,465.20						12,210	5,860.80
Cedar Grove (R)	30	85	2,550	85	306.00						2,550	1,224.00
Stevens Point (D)	30	104	3,120	104	374.40	20	104	2,120		468.00	3,120	1,497.60
Wautoma (D)	30	150	4,500	150	540.00	30	150	4,500	150	675.00	4,500	2,160.00
Sevastopol [2]												
Gibraltar [2]												
Oconto [2]												
Total			39,350		4,721.30			[3] 17,840		2,42.775	39,350	18,888.00

[1] These statistics include all school sponsored summer feeding programs.
[2] Anticipated program for which no application-agreement has been received.
[3] Number of breakfasts anticipated.

DEPARTMENTAL CORRESPONDENCE

MARCH 29, 1971.

To: Mr. Clemons Baime, Supervisor, Migrant Programs—ESEA—title I.
From: Edward J. Post, Administrator, School Food Service Programs.
Subject: Contracts and cash reimbursements for summer migrant programs sponsored by school districts.

If a school district is planning to sponsor and implement a summer title I migrant program this year, we would very much appreciate your cooperation and assistance in getting the school authorities to understand and carry out their responsibilities relative to the required contracts, records, reports, and claims.

All food service programs involving the receipt of USDA commodities and cash reimbursement must be covered by appropriate contracts. It would appear that all of the migrant programs would offer the lunch program or the breakfast program or both. An application-agreement would be necessary for both programs. The commodity distribution contract will be extended to the end of the migrant program in school districts presently covered for the school lunch program. However, a new contract would be necessary for sponsors not presently under contract to receive USDA commodities for the school lunch or breakfast programs. Attached is a copy of the school lunch, breakfast, and commodity distribution contracts.

Funding for the special milk program is not sufficient for this fiscal year; the 1972 fiscal year appropriation does not provide for a continuation of the special milk program. We will not, therefore, enter into any contracts for the special milk program.

We offer the following guideline to implement a summer migrant food service program:

1. School districts presently offering a food service program have designated an authorized representative. Whenever possible, coordinate the migrant food service through the authorized representative.
2. Ask that the school district representative request an application-agreement for the food service program(s) that will be operating for the migrant school. Submit request prior to May 15.
3. Work with the school district staff so that the proper records and reports are properly expedited. They or their office staff are knowledgeable about the claim procedures to request reimbursements from the School Food Service Programs Section of this Department.
4. Work closely with food service personnel, if possible, to learn of the availability and utilization of commodities, food procurement, menu planning (menus must meet the type A pattern), and equipment operation.

Cash reimbursements:

Lunch program

Food service programs operating under an approved contract are eligible for cash reimbursements. We are able to provide the following rates:

	Cents
General cash assistance for each type A lunch	12
Special cash assistance for each type A lunch	48
Total	60

Breakfast program

For each breakfast served to students, 15 cents.

Adults are not to be counted in the lunches or breakfasts claimed for reimbursement.

No funding is available from USDA funds to purchase snacks.

In planning the budget for the food service portion of the migrant program, we believe a realistic per meal cost should be ascertained. Our records for the various programs during the school year suggest that the following figures should guide you in planning an adequate food service program: Noon lunch, 75 cents; breakfast, 25 cents; snack, 10 cents.

We would suggest, then, that after consideration is given to the reimbursement rate forthcoming from USDA funds, you would allow in your budget an amount of 15 cents per lunch, 10 cents per breakfast and 10 cents per snack.

In addition to the cash reimbursements, the students in the migrant programs participating in the approved school lunch and breakfast programs are eligible to receive the available donated commodities. We would recommend that the school

districts anticipating a summer program request additional commodities. No special orders will be made available after the regular school delivery in May.

We hope the above information will be helpful in preparing for your food service program needs. If we can be of further assistance, please do not hesitate to contact us at any time.

Item (8)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., September 1, 1971.

Our Reference: BESE/DCE/MPB.

Mr. EDWARD J. HEKMAN,
Administrator, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. HEKMAN: Thank you for sending the new amendments to the national school lunch program and nonfood assistance program in time to allow proper study and comment.

We do question the requirement on page nine which states "Nothing in this paragraph shall be deemed to authorize the State agency, or FNSRO where applicable, to make reimbursement from special cash assistance funds for all type A lunches served in a school unless a reasonable basis exists for finding that all children in the school meet the school's eligibility standards for free-and reduced-price lunches. The State agency, or Food and Nutrition Service—Regional office where applicable, shall maintain on file, or cause to be maintained on file, the data used to make such a finding."

Our office feels that these regulations would benefit the migrant child only if he were placed in a specific category making him eligible for maximum free food services. Otherwise the usual difficulties with documentation, unexpected arrivals and departures would again prevent this child from receiving the help he so badly needs.

I would appreciate any thoughts you may have on this item.

Sincerely yours,

(Signed) JOSEPH BERTOGLIO
For Vidal A. Rivera, Jr., Chief,
Migrant Programs Branch, Division of Compensatory Education.

Item (9)

MARCH 23, 1972.

Subject: HEW migrant request.
To: Herbert D. Rorex, Director, Child Nutrition Division.
Through: Gene P. Dickey, Chief, Program Operations Branch, CNL

For your information, the title I migrant branch of HEW will shortly be sending a letter to Mr. Hekman requesting that USDA authorize categorical certification of migrant children for free/reduced price meals. On the basis of a telephone conservation, the following information was obtained:

1. There are approximately 235,000 migrant school-going children in the HEW program.
2. All of these children are title I recipients.
3. In addition to being title I, because they are considered especially needy, they receive special title I migrant funds.
4. Each of these children have a special student identification number and each State educational agency has the capability to identify by local school the child at any given time of the year.
5. Categorical certification is felt to be necessary because of the high degree of parental illiteracy and the difficulties encountered by schools and parents in obtaining properly completed application forms.

Based on our recent field trip to home base areas, the following was noted:

1. No instance was found where a migrant child was not declared eligible for a free lunch.
2. In perhaps 20 to 30 percent of the cases, local schools were providing a free lunch to migrant children even though there was no formal application.
3. School officials cited the obvious need for a child to receive a free lunch.

4. Neglect, oversight, and other administrative work were cited as the reasons that no memo was placed in the child's file to indicate eligibility for a free lunch.

5. Applications on file were with few exceptions so obviously incorrect as to be meaningless. Correct applications could only be obtained if and when the school social worker made a home visit or the male member of the family was called into the school. Both situations created extreme difficulty for the school officials and parents.

Since migrants are grouped by occupation, that includes all racial and ethnic groups and it would seem that a strong argument could be made for categorical certification of migrants which would not be applicable to other occupational groups.

MARVIN LEVIN,
Program Operations Branch.

Item (10)

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., March 30, 1972.

Subject: Alternative to free/reduced price application and categorical certification.
To: Herbert D. Rorex, Director, Child Nutrition Division.
Through: Gene P. Dickey, Chief, Program Operations Branch, CND.

Although the application procedure (both personal and categorical) for free- and reduced-price meals is satisfactory for most program schools, there are times and situations where the application procedure is inadequate in terms of reaching the needy child.

Examples of such times and situations are as follows:

A. Families of migrant and Indian children have an extremely high degree of functional illiteracy. In addition, there are well-known historical traditions for both groups which inhibit formal application for a free- or reduced-price meal. In many instances, where there is a formal application, a review of the data clearly indicates a failure to comprehend the application. In many of these instances, school officials have indirect data which clearly indicate poverty and probable eligibility for a free meal.

B. Schools have reported instances where, due to parental indifference, a family has not applied for a free- or reduced-price lunch. Information at the school indirectly indicates that the child is both eligible and in need of a free lunch.

Although local authorities can certify children without a formal application, school officials are reluctant to do this due to possible audit and review objections. This is true even though local officials may strongly believe the child is eligible and in need.

It is, therefore, suggested that authorization and guidelines as per the attached draft be considered as an alternative method of reaching the needy child.

MARVIN LEVIN,
Program Operations Branch.

To State School Lunch Directors:

The Department recognizes that there are instances when the formal application procedures for a free- or reduced-price lunch are not operationally practical or do not succeed in reaching a school's universe of needy children. Although categorical certification is authorized, there are times when a particularly large target group is either not in one of the accepted categories or the State or local food authorities have not recognized the special target group as an acceptable category. For example, although Indian and migrant children are generally eligible for a free- or reduced-price meal, many do not apply, some are not eligible, and neither group is in a recognized category. Schools having a large number of Indians and migrants frequently encounter administrative and social problems when implementing a formal application process.

Although local authorities can declare a child eligible for a free- or reduced-price lunch without a formal application, many are reluctant to do this due to their concern for possible audit and review objections that may be raised at a later date. The following procedure can serve as a guideline for the certification of a child as eligible for a free- and reduced-price lunch on a basis other than a formal application.

GUIDELINES FOR CERTIFICATION BY MEMO

1. Section 245.6(c)—"In providing free or reduced price lunches to eligible children, the school food authority need not require the submission of an application if alternative methods will expedite eligibility determinations. The school food authorities may determine that the children or certain categories of children automatically meet the school's eligibility standards."

2. In certain situations and under certain conditions the above-quoted regulation has served as the authority for certifying children as eligible for a free or reduced price meal without formal application.

3. In our opinion, implementation of the authority to certify children without formal application or categorical certification can be satisfactorily justified in situations similar or identical to those described below and satisfactorily accomplished by having the local school food authorities complete a memo similar to the attached example.

4. A memo (as an alternative to a formal application) certifying a child as eligible for a free or reduced price meal can be justified in the following situations:

(a) Known or suspected family illiteracy which prevents family members from understanding or completing a formal application.

(b) Generally recognized traditional or cultural patterns which have historically inhibited or limited formal application.

The balance of situations are optional ((c) through (f)).

(c) Welfare and title I recipients when categorical certification of these target groups is not a local school food authority policy.

(d) When family members refuse to apply and school authorities have a definite belief that the child is in need.

(e) When the number of applicants or potential eligibles is above the State's average (for the last fiscal year) and the local school food authorities cannot process and evaluate the influx of applications in a manner consistent with good administrative principles.

(f) Other unusual situations (specify).

5. Although certification by memo can be justified in the above situations, local school authorities should make every effort to obtain a formal application. If and when a responsible family member visits the school or if and when the school social worker visits the home the family should be encouraged (and, if necessary, assisted) to complete a formal application. If the data contained on the formal application results in the child being ineligible for a free or reduced price meal, the school authorities should take appropriate action.

Re _____.

Subject: Certification of above student for _____ (free or reduced) lunch at _____ (amount) cost.

On the basis of factors indicated below, the above referenced child is certified as eligible to receive a _____ (free/reduced) lunch at _____ (amount) cost.

It is further certified that in the opinion of the school authorities, the above referenced child would probably meet the eligibility criteria for the _____ (free/reduced) lunch if a formal application were completed.

Justification for Memo Certification (indicate applicable factors)

A. Justification: [1]

1. Family members known or suspected to be illiterate and unable to complete and/or submit an application. _____

2. Recognized cultural or traditional factors prevent or inhibit formal submission of an application. _____

3. Family member unable to come to school for assistance in completing a formal application without experiencing financial loss. _____

4. Family members for unknown reasons have not or refuse to submit an application. _____

5. Appropriate school authorities have not been able to date to make a home visit and assist the family with completing an application _____

B. Factors of eligibility indicative of probable eligibility by local school published criteria: [1]

1. Data in student's personnel file indicate child would meet eligibility criteria if formal application made.[1] _____

2. Local eligibility criteria assumed to apply on basis of following. (See footnote 1):

See next page for footnote.

(a) Descriptive data based on home visit clearly implies eligibility. _____
(b) Data on family employment[2] and size imply eligibility. _____
(c) External information on family (viz., creditors, title I, welfare agencies, medical reports, etc.) clearly imply eligibility. _____
3. Child's physical appearance and school behavior is such as to clearly imply the child is eligible.[1] _____
4. Child certified another NSLP school by a criteria consistent with this school's criteria.[1] _____
5. Child certified previous year and data on hand indicates no change from previous year.[1] _____
6. Family interview (at school or home) indicates family should be on welfare and child should be certified (interview should be recorded somewhere or person(s) conducting interview should be available to provide specific data, if requested).
7. Other _____. (Specify in detail.)

Item (11)

April 14, 1972

Howard P. Davis,
Deputy Administrator

Re: Participation of ESEA Summer Schools in the Special Food Service Program

Recently we have noted a trend for ESEA title I summer schools to be termed "cultural enrichment" programs rather than "summer schools" in the traditional sense of the word. This nomenclature makes them eligible for special food service program funds, and since ESEA funds are generally tight now, an increasing number of Boards of Education are applying to the Vanik program for food services in these ESEA title I programs.

We see three basic ways to handle this situation. These are:

1. We could deal with these applications on an individual basis as they arrive. Although this approach may be administratively expedient, it would cause a definite impact on the total amount of money available to other applicants.
2. We could set an overall administrative policy stating that ESEA programs in schools are ineligible for the special food service program. We feel this decision would trigger a severe reaction at this time and cause much adverse publicity.
3. We could determine that these programs are ineligible for the Special Food Service Program but are eligible to participate in the National School Lunch Program and encourage this participation.

We feel the last option would be the most advisable course of action at this time and, with your approval, will proceed accordingly.

If we run into serious objections, we would fall back and regroup.

Herbert D. Rorex,
Director, Child Nutrition Division.

Item (12)

Part 8—The Nixon Administration Program
(May 7, 1969)

Hearings Before the Select Committee on Nutrition and Human Needs

(Page 2529)

Secretary Finch. I can also respond to that, Senator. If we could get full funding for the free and reduced price school lunch program it would certainly help in terms of taking the pressure off of title I funds, of which $35 million to $40 million are now going into food services.

Seventy percent of that goes into the Southern States. It would give us much more flexibility under title I, if we could get the free lunch program fully funded.

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[1] On backside, indicate source of justification for eligibility, viz., if school record indicates which record if home visit or school visit, indicate source of report, etc. Justification should be verifiable by a specific source or sources, although it is not essential that the source be a written record.

[2] For example, if occupation and maximum wage scale is known, it may be possible to approximate family income.

Senator JAVITS. Could we add another objective to the objectives we are all pledging ourselves to, and that is to see if we can relieve funds devoted or earmarked for Federal Aid to Education from the drain of school lunch or other food programs?

Secretary FINCH. Yes, sir.

Senator JAVITS. And you say you estimate about $35 or $40 million a year is is now being diverted for that purpose?

Secretary FINCH. Yes, sir, under title I.

Senator JAVITS. It indicates very clearly that much of a short call in the school lunch program.

Secretary FINCH. Right.

(Page 2533)

Secretary FINCH. If I may respond fully, as I said earlier in response to Senator Javit's question, I think it is the wrong use for title I funds to go into these food programs. I think we should fully fund the agricultural program, the free lunch program, and use title I for the things he is talking about, glasses and other remedial work.

I think it is a great mistake and it is a kind of hypocrisy to use title I money for food services programs. That is why I made the reply I did to Senator Javits.

So my response is we should fully fund the school lunch programs. There are no civil rights compliance problems there, since school lunch is exempted from title VI. So Secretary Hardin is not confronted with the same problem I am with title I food programs.

Senator TALMADGE. It is Federal money going to the same schools.

Senator MONDALE. Might I ask a question on my time, Mr. Chairman?

Do I understand that last response to mean that if we funded the school breakfast and school lunch program under those programs rather than through title I of the ESEA, the cutoff of funds to those schools would not reduce the nutrition problem at all?

Item (13)

FOOD PROGRAM ANALYSIS

A primary goal of the emergency food and medical services (EFMS) program has been to "identify local and national weaknesses in the food assistance programs." Operating since August 1971, under an EFMS contract-grant from the Associated City-County Economic Development Corp. of Hidalgo County, the Llano Estacado Development Committee, Inc., a title III–B grantee on the Texas south plains, has been working toward improvement of the USDA feeding programs in its project area, as well as developing new food projects of the self-help variety, and at the same time providing emergency food voucher assistance to the area's farmworkers. Under a supplemental contract-grant commencing January 1, 1972, Llano Estacado has concentrated on cooperative business development and a systematic analysis and documentation of problems related to the USDA food programs. It is that documentation which is here presented.

Information on food program weaknesses has been documented on forms prepared by our agency for that purpose. These forms have been placed in the four EFMS outreach offices and carried by outreach staff. Persons who have encountered difficulties with the food programs have been encouraged to fill out the forms and sign their names to them. Program categories which were emphasized were the food stamp, food distribution (commodity), and school lunch programs.

Of the seven counties in the center of the Llano Estacado project area (only four presently have representation on the general board), six are served by the food distribution program (Bailey, Crosby, Hockley, Lamb, Lubbock, and Terry), while only one operates the food stamp program (Lynn County). For that reason, the majority of cases documented relate to the former program and will be covered first. Input on the school lunch program is presented last, followed by a brief summation. In all cases, superscripts refer to the "Statement of Circumstances" forms on which documentations were recorded and which are included in the appendix.

I. FOOD DISTRIBUTION PROGRAM

Probably the first program irregularity documented in the food (commodity) distribution program was that of no fixed commodity office hours in Crosby County (Crosbyton, Tex.). As long ago as September 1971, the Llano Estacado

Development Committee emergency food and medical services coordinator was told by the commodity authorized representative there that the 1 day a week that her office was open was changed each month, and that she had no idea from one month to the next what day that would be. In January 1972, the Llano Estacado office was told that applications were taken on Thursdays; yet the previous Thursday a family seeking assistance was told to come back the following week because the commodity staff had "no time to fill out applications." The practice of having arbitrary application/distribution days and office hours, while perhaps convenient for the authorized representative, makes program benefits hardly accessible to the poor. Scheduled appointments are fine for those currently enrolled in the commodity program, but new families (in particular, the migrant farmworker) are frustrated in their efforts to get food assistance.

Closely related to the problem of irregular and unposted office hours is that of the absence of any identification of the commodity program headquarters, again in Crosby County, but also in Terry County (Brownfield, Tex.) and in Hockley County (Levelland, Tex.). As of the end of January, there were no signs whatever identifying the USDA commodity distribution program offices in those counties as such (please refer to photographs in appendix). When the Crosby and Terry programs were in the courthouse of their respective counties, it might have been excusable, but now the poor (again those most affected are the new arrivals to the area) are left to their own devices to track down small, secluded offices. Nor is the telephone directory of much help to the needy of Hockley County, for there is not even a street number on the commodity facility in Levelland. A sad excuse for the lack of clear markings was offered by the assistant commodity representative in Deaf Smith County (another county to the north with no identifiable building, located behind a laundromat) in a remark to the EFMS coordinator on August 30, 1971: "I don't know how they find the place, but judging from our caseload, they manage to locate us somehow."

Certification procedures have presented another common difficulty in the commodity program, most notably in Terry County. Last fall, numerous but undocumented cases were reported alleging that the program's authorized representative had to consult with the county judge and commissioners before approving or denying commodity applications. She also told the EFMS coordinator in an interview on August 23, 1971, that certification of families not on public assistance was, indeed, carried out by the commissioners' court. This practice, which tends to delay provision of food assistance to needy families due to infrequent commissioners' meetings (once or twice monthly), is contrary to the Texas State plan of operation (section IV, page 1), which states that the "appropriate governing body (city council and/or commissioners' court)" shall "* * * designate some person with full authority to act in all matters pertaining to the commodity program * * *" In the same interview, the Terry County authorized representative further stated that Terry County Commissioners had established a 100-household or 400-person caseload ceiling on the food distribution program. State department of public welfare "Monthly USDA. Commodity Receipt, Inventory, and Distribution Report" (see letter F, appendix) for the month of July 1971, confirms that Terry County, with a 1970 Census population of 14,118 had certified only 85 households. It is interesting to contrast that caseload with that of nearby Bailey County (Muleshoe, Tex.), a county of 8,487 residents, which certified during that same month 191 households. Crosby County, population 9,085, certified 167.

The caseload ceiling was apparently lifted after September 1, however, as the county acknowledged institution of State eligibility guidelines, and a caseload count in January 1972, shows 218 households certified for Terry County. This change of policy was publicly announced, coincidentally enough, at a meeting of the commissioners' court called and attended by about 150 members of the Ciudadanos Unidos club and members of the Llano Estacado development committee staff and county advisory board.

In the State of Texas, it is general policy that those households on public assistance (programs administered through the State department of public welfare) are automatically eligible for commodity assistance. Yet in Terry County and Lamb County, State welfare recipients have been denied commodities. Letters of inquiry produce only a restatement of "official" policy (see letters I, J).

A problem of the most serious nature, and which has occurred primarily in Crosby County, is that new applicants for food assistance must wait up to a month to receive their commodities following certification. The problem from the

county's point of view, at least prior to December 1971, was that lack of storage space prohibited stocking more food than that required to supply the existing caseload. Yet the district distributor in Lubbock, Tex., has stated (letter D) that his office "attempts at all times to maintain a (sic) adequate supply of U.S.D.A. commodities with a 1-month 'buffer' for insurance. * * *" Two cases documented, however, show that even after the program was removed to more spacious quarters there is still nearly a month's delay in receipt of food.

Many families in this area complained of the short supply of food items distributed. While amounts of available items actually issued have not been verified beyond such phrases as "not getting all items" or "not getting amounts required for a month", data on the number of food items made available under the program is known. Officials of the program in Crosby County have stated that not all food items are shipped from Lubbock. And the record shows that last summer only 17 types of food were distributed there (letter F). Yet Bailey County, which is also in Commodity Distribution District No. 610 issued a total of 26 food items in the same month. An exchange of letters (appendix) has not done much to alter the problem.

Related to the quantity of food available is its quality. Numerous reports, both documented and verbal, indicate that various forms of abnormalities have been discovered in the food distributed under the program, notably mold and certain animal organisms on and in the food itself. In August, weevils were found in many sacks of flour in the distribution office in Terry County. In November, about 80 pounds of moldy cheese were issued in Crosby County, and some blocks were issued in Bailey County (see letter G). Through the fall and early in 1972, scattered reports of similar irregularities were reported.

One final aspect of the commodity program as operated in our project area which must be noted is that of mistreatment of applicants and recipients by program personnel. As stated in "Standards of Excellence for Needy Family Food Distribution Programs" of the Food and Nutrition Service, personnel connected with the program should show courtesy to all applicants and recipients. Such phrases as "no time to fill out applications", "shouldn't be causing so much trouble for the Food Commodities Program", and "get out of this office or I'll call the law" do not seem to fall within the limit of courtesy, nor would they be expected from a public social service employee.

II. FOOD STAMP PROGRAM

In Lynn County (Tahoka, Tex.), our only project county currently handling the food stamp program, the only documented irregularity is that of office hours.[18] And, as of the date of this report, no further clarification of their office hours and days has been obtained. This practice is equally as inconvenient to food stamp program participants as to those in the commodity program, and for the same reasons.

III. SCHOOL LUNCH PROGRAM

Some suggestion of abnormalities in the school (free) lunch program in the Muleshoe Independent School District (Bailey County) were received after the end of the 1970–1971 school year, but only verbally. One fully documented case occurring in the present school year, involving retraction of free-lunch status because of a child's refusal to work, has been noted.[19] This particular case has been corrected, but it is still unclear as to whether or not the underlying cause of that incident has been rectified.

By and large the school lunch program has been the feeding program most utilized of the three discussed here. Program operations seem in general to be satisfactory. The characteristic which seems to distinguish the school lunch program most markedly from the others, and which undoubtedly accounts for its relatively high participation rate, is that a child who qualifies on paper must be certified. That is, the burden of proof as to eligibility is shifted. In the school lunch program, it would be up to the school to prove an applicant is not qualified to receive assistance, while in the food distribution and food stamp programs it is up to the poor to prove that they do qualify. The effect of this operational dissimilarity can be demonstrated as follows: From a 2-months' sample of data collected in distribution of emergency food voucher assistance by our agency, the following comparative statistics on participation in food programs in four counties are presented on the next page.

	School lunch program			Commodity distribution or food stamp program		
	Number of children, ages 0–18	Number participating	Percent participation	Number of persons, all ages	Number participating	Percent participation
Bailey County	192	66	34	304	76	25
Crosby County	110	41	37	185	14	8
Lynn County	163	65	40	248	71	29
Terry County	175	85	49	240	22	9

CONCLUSION

The Food and Nutrition Service, U.S. Department of Agriculture, Operating Expense Funds for States To Expand and Improve Commodity Distribution to Households (Exhibit C) states the qualities and characterisitcs which FNS has determined represent an exemplary food distribution program, including the following:

(1) Interested and capable programs officials and staff who are sympathetic with program goals and strive to attain them.

(2) Personnel at appropriate levels are required to have sufficient knowledge of commodity distribution program objectives, State policies, and handbook procedures to accomplish the duties of their position.

(3) Courtesy shown to all applicants and recipients.

(4) Signs posted conspicuously to identify the program and days and hours of distribution.

(5) Adequate supply of all available USDA foods on hand at all times.

(6) Out-of-condition commodities disposed of in accordance with USDA-approved methods.

Each of these points has been violated to at least the degree that applicants or recipients have not been properly served by the food distribution program. And while not part of the "law" or the program regulations, these standards are essential to meeting the goal of the program, which is "to provide the nutritive requirements needed by persons whose economic circumstances preclude their buying the amount and variety of food needed to maintain good health." At least the first three points, and violations of them, are equally applicable to the food stamp and school lunch programs of the counties under discussion.

The people of this area not only are entitled to but are desperately in need of adequate food assistance. In communities where human compassion toward other human beings, especially the migrant farmworker, is so scarce a resource, and where wages are paid on the basis of farmer-to-farmer competition rather than the minimum living needs of the worker, the USDA food assistance programs represent one of the few hopes for survival. Nothing short of careful, critical program and personnel evaluation is going to remedy the problems outlined so briefly here, and it is hoped that that process will be begun.

MULESHOE, TEX., *September 4, 1971.*

Mr. WILLIAM M. HERDON,
Director of Commodity Distribution,
Austin, Tex.

DEAR MR. HERDON: In coordinating the emergency food and medical services program for the Llano Estacado Development Committee, a title III-B project covering several south plains counties, it has come to my attention that the food commodity program in Crosby County, Tex., continues to make it difficult for needy families to receive food assistance. The specific complaint seems to be that the authorized representative claims to have in stock only enough commodities to supply her present caseload, so that it may take up to 2 months before a newly-applying family can get help.

I understand that the Crosby County program has been named in complaints before, and that at least one investigation has been completed by your office. I would like to have word both on the complaint and the official outcome of that inquiry. The fact is that in the absence of other emergency resources, a family in such a county cannot survive while additional food is being awaited. Many other counties are able to provide commodities immediately upon certifying a family, and this practice is in the spirit of the program's purposes.

I would appreciate a response from your office as soon as possible, as we are approaching a critical food crisis period for the farmworker, and this problem will undoubtedly directly affect the people.

Thank you for your time and action.

Very truly yours,

BRIAN R. CRADDOCK.

STATE DEPARTMENT OF PUBLIC WELFARE,
Austin, Tex., September 21, 1971.

Mr. BRIAN R. CRADDOCK,
Muleshoe, Tex.

DEAR MR. CRADDOCK: Please refer to your letter dated September 4, 1971, regarding the Crosby County Commodity Distribution Program.

One item which has and continues to be of concern to this agency concerning the Crosby County program is the fact that this program does not accept all of the items made available by the U.S. Department of Agriculture.

Heretofore the eligibility standards in use in Crosby County did not automatically qualify public assistance households. Recent changes in connection with the eligibility criteria now make all public assistance cases, as defined, eligible to participate in the commodity distribution program.

As you would expect, this agency strongly encourages all commodity distribution programs to make distribution of donated foods immediately upon certification of eligibility. Undoubtedly, this is not being carried out in all instances.

Please advise if this office can be of any assistance in regards to improving the Crosby County Commodity Distribution Program.

Yours very truly,

E. WAYNE KUYKENDALL,
Assistant Director, Commodity Distribution Division.

LLANO ESTACADO DEVELOPMENT COMMITTEE, INC.,
Muleshoe, Tex., September 23, 1971.

Mr. J. R. CHILTON,
Food Commodity Distribution Office,
Texas State Department of Public Welfare, Lubbock, Tex.

DEAR MR. CHILTON: In outreach work with the emergency food and medical services program of the Llano Estacado Development Committee, a recurrent problem with respect to the commodity distribution program is coming to light, namely, the inavailability of certain types of food products at many of the distribution centers in our project area. There seems to be a discrepancy, however, between reasons given for the shortage by the authorized representatives and those provided by the State commodity office of the Texas Department of Public Welfare. Authorized representatives at the county level have said they do not get the items they order; Austin says the counties are not ordering the full line of commodities available.

It is to try to improve the program, as is the intent of USDA and the State office, that I am requesting copies of both the orders requested and the records of food items shipped to the commodity offices, for the past 3 months, in the following counties: Bailey, Crosby, Hockley, Lamb, Lynn, Terry, and Deaf Smith, Thank you for your assistance.

Very truly yours,

BRIAN R. CRADDOCK,
EFMS *Coordinator.*

STATE DEPARTMENT OF PUBLIC WELFARE,
COMMODITY DISTRIBUTION DISTRICT NO. 610,
Lubbock, Tex., September 29, 1971.

Mr. BRIAN R. CRADDOCK,
Coordinator, Llano Estacado Development Committee, Inc.,
Muleshoe, Tex.

DEAR MR. CRADDOCK: Thank you for your letter of September 23 concerning the availability of certain types of food products to Bailey, Crosby, Hockley, Lamb, Lynn, Terry and Deaf Smith Counties. Please accept my apologies for the

delay in answering your letter. The end of each month is usually my busy time and the press of business has prevented my reply.

Lynn County has not been a part of the commodity distribution program for many months since they undertook the food stamp program over a year ago. Deaf Smith County falls in the Amarillo Commodity Distribution District, so I am unable to comment concerning that county program.

As you did not specifically name the county or counties experiencing shortages, I must reply in generalities. While this office attempts at all times to maintain an adequate supply of USDA commodities with a 1-month "buffer" for insurance, there have been a few instances due to late arrival of rail shipments when our inventory level fell below what was required to allocate a maximum rate to all county outlets. In such instances, our allocation to county outlets is based on a pro rata basis so no county is treated inequitably. The county, in turn, releases to its recipients on a pro rata basis.

Of the counties you named, I am aware of only one county distribution program that does not request all of the food items made available monthly. It is my understanding they have limited storage facilities and are unable to accept all items.

Thank you again for your letter. Your interest is appreciated. Be assured of our interest in this common concern.

Sincerely,

J. R. CHILTON, *Distributor.*

LLANO ESTACADO DEVELOPMENT COMMITTEE,
Muleshoe, Tex., October 4, 1971.

E. WAYNE KUYKENDALL,
Assistant Director, Commodity Distribution Division,
State Department of Public Welfare, Austin, Tex.

DEAR MR. KUYKENDALL: Thank you for your letter of September 21 explaining some of the difficulty with the Crosby County commodity program. We have had indications in our entire area of non-availability of some food items, and in an effort to get to the heart of the problem, I addressed a letter to the Commodity Distribution District Office in Lubbock, requesting copies of monthly food orders and shipping manifests from and to the distribution centers in various south plains counties.

Apparently Mr. Chilton does not wish to make public information available or did not understand my request (see enclosures). I think this is the only way the numerous discrepancies are going to be explained, and I would like to request the help of your office in obtaining copies of orders and shippers for the past 3 months for Bailey, Crosby, Hockley, Lamb, and Terry Counties.

Very truly yours,

BRIAN R. CRADDOCK,
EFMS Co-ordinator.

STATE DEPARTMENT OF PUBLIC WELFARE,
Austin, Tex., October 7, 1971.

MR. BRIAN R. CRADDOCK,
Muleshoe, Tex.

DEAR MR. CRADDOCK: Reference is made to your letter dated October 4, 1971, wherein you requested information in regards to commodity distribution programs in the Texas plains area.

I am enclosing copies of certain monthly reports submitted by the counties in question, which hopefully will provide the information you need. These reports, I believe, you will find to be more or less self-explanatory; however, should there be any questions after reviewing same, please advise.

Yours very truly,

E. WAYNE KUYKENDALL,
Assistant Director, Commodity Distribution Division.

LLANO ESTACADO DEVELOPMENT COMMITTEE,
Muleshoe, Tex., December 2, 1971.

Mr. J. R. CHILTON,
Commodity Distribution Division,
State Department of Public Welfare, Lubbock, Tex.

DEAR MR. CHILTON: Two specific problems associated with the food distribution program have come up in the past month and have been brought to my attention. In accordance with the goals of the emergency food and medical services program, this inquiry is directed toward your office for clarification and action.

First of all, approximately 80 pounds of cheese with an unusual amount of mold on each block was distributed to recipients in Crosby County during the month of November. Also, there were some reports that cheese in a similar condition was issued in the Bailey County program. Regardless of whether or not the cheese is "just as good" when the mold has been pared off, the U.S. Department of Agriculture does not condone the distribution of substandard commodities.

The second problem is in regard to the quantity of food stocked and provided by the program in Crosby County. The Crosby County commissioners last month arranged for new quarters for the food distribution program in that county in an effort to increase availability of *all* food types carried in the program. Yet in the month of November, several families received only half of the regular food allotment, and then only 16 food items were distributed. Recipients were told that it was because the district distribution center in Lubbock lacked full supplies of all commodities. On behalf of the people, I would like to know if that is the case.

I would sincerely appreciate prompt clarification of these two issues. The people not only are entitled to but for nutrition's sake need full quantities of all foods available under the program, and food that is in good, healthful condition.

Very sincerely,

BRIAN R. CRADDOCK,
E.F.M.S. Co-Ordinator.

STATE DEPARTMENT OF PUBLIC WELFARE,
COMMODITY DISTRIBUTION DISTRICT NO. 610,
Lubbock, Tex., December 3, 1971.

Mr. BRIAN R. CRADDOCK,
Co-Ordinator, Llano Estacado Development Committee,
Muleshoe, Tex.

DEAR MR. CRADDOCK: Thank you for your letter of December 2, concerning cheese mold encountered at Crosby and Bailey County commodity programs and quantities of USDA commodities issued at Crosby County commodity distribution program.

I think it unnecessary to assure you that the concern of both your office and mine is one and the same, adequate and nutritional allocations to be made to all eligible persons.

I was aware that both Crosby and Bailey Counties had encountered some cheese mold and in each instance recommended that the local health officer be contacted. I am really at a loss to explain the cause of this cheese mold and am pleased to note this is only the second such instance in the past 2 years or so.

The problem of the quantity of food stocked and provided in the Crosby County program can probably be traced to "timing." When allocations were figured and presented this county outlet before and at the first of November, the quantities were based on a participation of 500 persons. At that time, I did not know (nor have I been notified since) just when new and larger quarters would be available. I understand from a telephone conversation that I've just had with Judge Work of Crosby County that they have now moved in to these new quarters.

In October, Crosby County distributed food to 369 persons, something like 11,000 pounds; while in November they distributed to 541 persons, around 22,000 pounds. I feel that even more progress will be made in the month of December. Mrs. Vera Flowers, Crosby County distributor, was advised by me some time ago to request the quantities she felt were required and this office would honor her request. In reviewing Crosby County's commodity report for the month of November 1971, I note that distribution was made of some 19 items, and had there been 32 cans more of those items in "short supply", there would have been quantity enough to distribute to all. In other words, 546 persons were fed, but

only 504 cans on hand to distribute. An exception was dry beans, where less than one-half were on hand for distribution. This was due to our having not received our shipment of dry beans in time for distribution. When our warehouse inventory of a commodity item becomes less than the quantity required for full allocation, that commodity is prorated to all outlets on a pro rata share-and-share alike basis.

Your concern is appreciated and we will again assure you our interest in a good commodity distribution program in this district. Sometime, when you're in Lubbock, do come by our office for a cup of coffee. Perhaps we can explore areas of common concern and action for meeting the needs of people of this area.

Sincerely,

J. R. CHILTON.

LLANO ESTACADO DEVELOPMENT COMMITTEE, INC.,
Muleshoe, Tex., December 20, 1971.

LAMB COUNTY COMMISSIONERS,
County Courthouse
Littlefield, Tex.

DEAR SIRS: In connection with my work with the Llano Estacado Development Committee, a migrant agency of the U.S. Office of Economic Opportunity, I am writing concerning the food distribution program in Lamb County, one of 12 counties in our project area.

According to the State department of public welfare's plan of operation for the commodity distribution program (Mrs. Doris Frey, Lamb County's authorized representative, is required to have a copy), "(t)he governing body of the city or county may, at its discretion, and on a blanket basis, include or exclude recipients of Public Assistance and their normal dependents as eligible to receive commodities without reference to income or other need factors" (Section IV, Page 12).

On behalf of families who have applied for food assistance under the commodity program and who have contacted our office for clarification of eligibility, I would like to have word as to the policy presently in effect in Lamb County in relation to both county and State welfare recipients; namely, if they are either de facto eligible for food commodities or all ineligible. A prompt reply to this inquiry will be most appreciated.

Very sincerely,

BRIAN R. CRADDOCK,
E.F.M.S. Co-Ordinator.

COUNTY OF LAMB,
Littlefield, Tex., December 22, 1971.

Mr. BRIAN R. CRADDOCK,
Muleshoe, Tex.

DEAR SIR: Your letter of December 20, 1971, to Lamb County commissioners in regard to policy presently in effect in Lamb County for eligibility to receive commodities was referred to my office for reply.

A letter dated September 3, 1971, from State department of public welfare to all authorized representatives of commodity distribution programs reads "All public assistant cases, as defined, are automatically eligible to receive USDA donated commodities."

Upon receiving this letter Lamb County immediately abided by rules as we have always done.

Sincerely,

Mrs. DORIS FREY, *Authorized Representative.*

LLANO ESTACADO DEVELOPMENT COMMITTEE, INC.,
Muleshoe, Tex., October 14, 1971.

Mr. TOS G. JINKS,
Director of Special Programs,
Muleshoe Independent School District, Muleshoe, Tex.

DEAR MR. JINKS: It has come to my attention that on October 11, a student at Mary de Shazo Elementary School, Muleshoe, Tex. was denied free lunch tickets, for which he had been found to be eligible, because of his refusal to continue working in the school lunch room. Originally volunteering for this duty, he was not permitted to rotate weekly from one task to another, and he conse-

quently expressed his intention of quitting. It was at that point that he was told he would not be issued further free meal tickets. This incident, which has been fully documented, involves a practice which is in direct violation of title 7, section 245 of the Code of Federal Regulations.

It is my responsibility, and the intention of the Bailey County Advisory Board of the Llano Estacado Development Committee, a title III–P migrant) project of the Office of Economic Opportunity of which I am an employee, to be aware of instances where children are prohibited from taking advantage of programs created and operated for their benefit. The fair hearing procedure, which is designed for that purpose, will when necessary be utilized to its full extent to ensure the implementation of the law.

Very sincerely,

BRIAN R. CRADDOCK,
Co-ordinator, Emergency Food and Medical Service.

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., October 28, 1971.

Mr. BRIAN R. CRADDOCK,
Coordinator, Emergency Food and Medical Services, Llano Estacado Development Committee, Inc., Muleshoe, Tex.

DEAR MR. CRADDOCK: Thank you for the copy of your letter to Mr. Tom G. Jinks concerning a student at Mary de Shazo Elementary School who was denied a free lunch, even though he was otherwise eligible, when he expressed his intention to quit working in the school cafeteria.

As you may know, schools, participating in the national school lunch program, agree, among other things, to provide lunches free or at a reduced price to children determined by local school authorities to be unable to pay the full price. A school's policy for determining eligibility for free or reduced price lunches must conform to certain general guidelines set forth by the Department of Agriculture.

Children who are eligible for free or reduced price lunches are not to work in any capacity except at the express request of the parents. Parents are to clearly understand that the children would receive a free or reduced price lunch even if the child did not work.

Since the above incident is a direct violation of the national school lunch program regulations, we are asking our Southwest regional office to contact Mr. Charles M. Hicks, director, school lunch program, Texas Education Agency, to investigate and to take all necessary corrective actions.

Thank you for bringing this matter to our attention. We are hopeful that any procedural irregularities that may exist in the Mary de Shazo Elementary School will be corrected in the very near future.

Sincerely,

HERBERT L. ROREX,
Director, Child Nutrition Division.

Item (14)

Nov. 10, 1971

Subject: Migrant program.
To: Regional program directors, Child nutrition program.

We recently received a copy of a master special food service program contract that has been executed between the California State school lunch director and the California title i migrant coordinator.

Under this contract, the title I migrant coordinator provided to the State lunch director a list of service institutions by name, address, and ADA, signed the application-agreement on behalf of all institutions in their program, and was obligated to submit a consolidated monthly claim. The State school lunch director, in turn, encumbered a specified amount of money in accordance with agreed upon reimbursement rates.

We believe this type of operational procedure should be considered by those States and regions which have a large number of programs sponsored by title I migrant coordinators. If you or your States desire more information on this subject please let us know.

GENE P. DICKEY,
Chief, Program Operations Branch, Child Nutrition Division.

86-201—72——4

Item (15)

COMMODITY INFORMATION

1. Coordinators will be requested by HEW, Washington to obtain and retain appropriate USDA application forms covering food services.
2. All applicants for title I migrant programs will complete (at the time of completion of the title I application) an application (USDA) for the food component part of the title I programs.
3. Coordinators will:
A. Forward the USDA application to the State educational directors (or a regional office where applicable) for a decision on the food component part.
B. Retain a file copy of USDA application for audit purposes.
4. UDSA officials and State agency officials will be requested by USDA to:
A. Expedite replies to applications forwarded by coordinators.
B. Give special priority to your programs.
5. Coordinators will advise the USDA regional office and HEW Washington in the event that no action is taken on your request within 30 days of application or in the event that an application is denied.
6. USDA Washington will request expedition or reconsideration where necessary.
7. Migrant program requests made directly to USDA will be evaluated by State or USDA officials to determine possibility of title I funding involvement. If possibility of title I involvement, State or USDA officials will telephone or write coordinators to determine interest in assisting. If coordinator is interested, program request will be forwarded to coordinator for processing in accordance with steps 2 and 3 above. If coordinator is not interested, application will be handled in accordance with normal USDA procedures. A letter to applicant will be sent by USDA or State directors whenever application is forwarded to coordinator.
8. Except in very unusual cases, USDA will provide the food assistance part and the coordinator will meet the labor and institutional costs.
9. Coordinators are to be advised to apply any savings on food toward new or expanded programs.
10. Nonfood assistance from USDA will be handled in the same manner.
11. Differences, difficulties, and problems are to be referred by the coordinators to HEW Washington and an attempt will be made to resolve them by our joint efforts.

Item (16)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF THE SECRETARY,
May 3, 1971.

To: Herbert Rorex, USDA.
Through: Richard E. Orton, OCD, OS.
From: Dominic J. Mastrapasqua, OCD, OS, IMPD.
Subject: Migrant Head Start Centers.

This is to confirm conversations between our respective staffs on food assistance programs for migrant children served in Office of Child Development's Headstart program. We understand that USDA will cover expenditures for food and nonfood items in each of our migrant Headstart programs.

I am submitting this proposal for your review and hope that it would serve as a working agreement between USDA and Office of Child Development Indian and Migrant Programs Division (IMPD).

1. All migrant grantees sponsoring Headstart programs and serving food will apply to USDA or State agencies as appropriate for the reimbursement of food costs.
2. The Office of Child Development will provide the funds for labor and educational costs.
3. Migrant grantees will submit their requests for food and nonfood items, equipment, to the State agency or USDA regional offices. Nonfood assistance requests will be submitted at the same time requests for food are submitted. However, a separate application must be submitted for nonfood assistance.
4. Requests from grantees will contain the maximum rate if they serve breakfast, 15 cents; lunch, 30 cents; supper, 30 cents; and two snacks, 20 cents. Certain types of surplus food commodities can be requested to supplement the food purchased.

5. OCD/IMPD will mail out copies of USDA applications (if appropriate) to potential grantees.

6. A copy of the application requesting funds from USDA or the State agency will be submitted with the funding request to OCD. OCD/IMPD will inform USDA Headquarters that certain Headstart programs have requested from regional USDA office or State Department of Education funds to cover food and nonfood expenditures.

7. Training and technical assistance in food preparation and purchasing will be available to grantees through USDA regional offices on a request basis.

We expect to establish programs in the States of Oregon, Washington, Ohio, Wisconsin, Texas, North Dakota, Idaho, Wyoming, Minnesota, Illinois, Florida, New Jersey, and New York. The approximate number of children that will be served is between 1,200 and 1,500.

Your cooperation and the cooperation of the USDA is deeply appreciated.

Item (17)

FEBRUARY 15, 1972.

To: All regional administrators.
Subject: Child Service Institutions.

Food and Nutrition Service administers two types of service institution programs for children. Those participating in either of the two programs must fit the same definition for child service institutions. A "service institution" as defined in instruction 706–1, revision 1 is a public or private nonprofit program providing nonresidential day care or other child care for children from areas in which poor economic conditions exist or areas in which there are high concentrations of working mothers.

1. *Special food service program for children.*—SFSPC (Vanik), administered and operated under authority of the National School Lunch Act, provides sections 6, 32 and 416 foods through normal school outlets. Thus, a wide variety of meats, vegetables, and fruits are available. Child service institutions participating in this program are also eligible to receive reimbursement based on the number of meals served as well as nonfood assistance.

2. "*Service institutions*" not participating in the SFSPC (non-Vanik) are eligible by law to receive the full range of sections 416 and 32 foods. In actual practice, these institutions have been receiving only some of those foods normally distributed to institutions. These foods do not include any fruit, vegetable, or high-quality protein foods in the form of meat products.

In order to meet the program objective and because these "child-service institutions" (non-Vanik) are not eligible for reimbursement and nonfood assistance, our policy is to make available all sections 416 and 32 foods to "child-service institutions" (non-Vanik). Because of a docket restriction, evaporated milk may not, at present, be made available.

You are encouraged to maximize the effectiveness of instruction 706–1 by encouraging State officials to distribute to these service institutions the same sections 32 and 416 foods which are made available to schools operating nonprofit lunch programs. All future allocation wires will indicate the availability of these foods for child-service institutions.

We realize logistical problems will be encountered in getting the full range of foods to small isolated "child-service institutions." We would appreciate receiving your suggestions on the resolution of these problems.

JUAN DEL CASTILLO,
Director, Food Distribution Division.

Item (18)

TRI-STATE TRIBES, INC.,
INDIAN COMMUNITY ACTION PROJECTS,
PROJECT HEADSTART,
Billings, Mont., April 13, 1972.

MR. MARVIN LEVIN,
Food Program Specialist, U.S. Department of Agriculture, Food and Nutrition Service, Washington, D.C.

DEAR MR. LEVIN: Thank you for sending me the list of States and the food services they are providing. It looks like Montana has some catching up to do.

I am sending you a copy of the letter I received from the man in charge of the school food services program, in which he explains why they can't help us out at this time.

Forrest Anderson is presently Montana's Governor, so I think our next step will be to make a trip to Helena.

Thank you for all your valuable assistance in our commodity fight.

Sincerely,

SHARRON ANDRESEN,
Field Assistant.

STATE OF MONTANA,
OFFICE OF THE STATE SUPERINTENDENT,
Helena, Mont., April 10, 1972.

Mrs. SHARON ANDRESEN,
Tri State Tribes Inc., Headstart, Billings, Mont.

DEAR MRS. ANDRESEN: Enclosed you will find a copy of an opinion rendered by Hon. Forrest H. Anderson, former attorney general of the State of Montana, at the request of Harriet Miller, former superintendent of public instruction. The opinion is based on article XI, section 8, of the State constitution and clearly states that the superintendent of public instruction cannot deal with agencies, except schools.

Chapter 80 of the Revised Codes of Montana, 1971, provides statutory authority for school food services within the office of the superintendent of public instruction. Section 75–8004 provides authority for the superintendent of public instruction to accept commodities from the Federal Government and distribute these food commodities to any public or nonpublic school that contracts for such distribution. Nonpublic schools are included in the statute because the food distribution program is financed by the public and private schools receiving the commodities. The key point involved in the statute is the restriction to schools and the implication that such schools are those accredited by the superintendent of public instruction.

Statutes, of course, may be changed by the legislature, but until such time as the law is changed, we cannot help you through this office.

If you have further questions, please feel free to contact me.

Sincerely,

H. BRISBIN SKILES,
Supervisor, School Food Services.

STATE OF MONTANA,
OFFICE OF THE ATTORNEY GENERAL,
Helena, Mont., October 30, 1968.

Miss HARRIET MILLER,
State Superintendent of Public Instruction, State Capitol, Helena, Mont.

DEAR MISS MILLER: In my letter of August 21, 1968, concerning Montana's participation in the special food service program, I indicated that your office could administer Federal programs which provided for the feeding of children "* * * through the facilities of educational agencies * * *". You inform me that the Federal Government requires that the program also be administered through "* * * child day-care centers, settlement houses or recreation centers, which provide day care, or other child care where children are maintained in residence * * *".

As I pointed out in my previous letter, section 75–4802, R.C.M., 1947, provides authorization to accept and direct disbursement of funds appropriated under the National School Lunch Act" * * * and any amendments thereof * * *". This section also provides in part that, * * * the superintendent of public instruction may also accept and disburse funds provided by any other acts of Congress providing for the feeding of children through the facilities of educational agencies * * *".

To the extent that this program is administered through facilities that are not educational agencies it is my opinoin that you do not have the authority to administer it. However, it should be noted that the legislature will be meeting within a short time and should they deem it essential that your office administer such a program, through noneducational facilities, they can provide you with the requisite authority.

Very truly yours,

FORREST H. ANDERSON,
Attorney General.

Item (19)

AUGUST 26, 1971.

MIGRANT HEADSTART PROGRAMS—FUNDING

To: Herbert D. Rorex, Director, Child Nutrition Division.
Through: Gene P. Dickey, Chief, Program Operations Branch, CND.

Currently, the Indian and Migrant Headstart Division (Office of Child Development), HEW, is funding four migrant Headstart grantees with an ADA (average daily attendance) of 630. Their grantees operate programs lasting 6 months or more although not necessarily in the same State for the entire duration. Presently, 12 States are involved with their four grantees. OCD anticipates their ADA (possibly grantees) will double beginning July 1. Grantees are applying approximately 4 to 6 percent of their budget toward food services. In addition, our regional offices advise that all grantees have or are receiving assistance under the special food services programs for children (SFSPFC). (Assistance for one program in Texas has not been absolutely confirmed). Nonfood assistance to one grantee in the amount of $1,200 has been confirmed.

In order to prevent duplication of assistance and facilitate operational procedures, OCD would like to enter into an administrative agreement along the lines indicated in the attachment to this memorandum. The States that would be involved (including those under their expansion) are Oregon, Washington, Ohio, Wisconsin, Texas, North Dakota, Idaho, Wyoming, Minnesota, Illinois, Florida, New Jersey, and New York.

I believe it would be to USDA's advantage to attempt to work out an administrative agreement with the Indian and Migrant Headstart Division. An agreement could probably be worked out which would avoid 80-percent programs (thereby extending our program funds), would result in maximum extension of our nonfood assistance funds by coordinating our efforts with those of OCD, and which would provide for maximum interagency coordination.

Since all of their current programs are already covered by one of our programs, we would be concerned only with their expansion which does not appear to involve any major funding problems on our part. During my regional and State visits, both the regions and the States indicated verbally that they would be receptive to an agreement along the lines indicated in the OCD letter.

An agreement covering a small program such as this would allow us to gain experience which could later be applied to larger programs.

MARVIN LEVIN, FPS, CND.

Item (20)

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C.

To: Regional directors.
Subject: Migrant program statistics.

We would appreciate receiving statistical data on programs for migrant children within your area.

The attached format should be completed for each State within your region. Part I covers programs under the national school lunch program. Part II covers programs under the special food service program for children. To properly assemble the necessary information, it is essential that your State Directors work with the State title I migrant coordinators.

As indicated in the explanatory note attached to the format, for uniformity we prefer that each State use June 15 as the cutoff date for preparing this format. Adjustments for programs that may come into a program after June 15 may be made against question No. 3.

In some cases and for some States, in order to obtain a proper reflection of program potential, it may be necessary for you to base your figures on last year's programs. Although the title I coordinators may be unable to state with certainty how many children in their programs are receiving assistance per child through the National School Lunch Act, by using their dollar appropriation per child you should be able to arrive at a reasonable estimate. These methods of obtaining program status while not the best are, nevertheless, preferable to the complete exclusion of children participating in our programs.

If there are any questions on the data requested, please contact us. We would like these reports by June 30.

Your cooperation and assistance are especially appreciated.

_____ _____,

Director, Child Nutrition Division.

EXPLANATORY NOTES

1. The title I migrant coordinators may be able to supply or assist you in obtaining necessary statistics. Statistical information supplied for this report need not be exact but should be reasonably accurate.

2. Statistical information for questions 1 and 2 should reflect programs that have been approved or are in operation as of June 15, 1971.

3. Statistical information for question 3 should reflect applications which are pending (assuming there is a reasonable probability of approval), applications which are anticipated, and any other source of information which would enable you to supply reasonable figures.

4. The title I migrant coordinator who is located in the Department of Education should be able to confirm the extent that national school lunch programs are involved with their programs. Information regarding other Federal agencies will probably have to come from the program application forms.

5. A fully coordinated program is one where national school lunch program funds are being used to provide all of the requested meals and/or snacks. For purposes of this report, the use of title I migrant funds or other Federal funds to provide one or more of the requested meals would constitute partial coordination.

PROGRAMS FOR MIGRANT CHILDREN

I. National school lunch program

1. Year around programs (approved as of June 15):

A. Breakfast _____ C. ADP _____

B. Lunch _____ D. ADP _____

2. Summer programs (approved as of June 15):

A. Breakfast _____ C. ADP _____

B. Lunch _____ D. ADP _____

3. Anticipated programs (June 16, 1971 through June 15, 1972) (over and above programs and ADP indicated in 1 and 2 above):

A. Year around:

(*a*) Breakfast _____ (*c*) ADP _____.

(*b*) Lunch _____ (*d*) ADP _____.

B. Summer programs:

(*a*) Breakfast _____ (*c*) ADP _____.

(*b*) Lunch _____ (*d*) ADP _____.

4. Where applicable:

A. Are your year around programs coordinated with title I migrant coordinators' programs? Yes; no; partial _____.

B. Are your summer programs coordinated with title I migrant coordinators' programs? Yes; no; partial _____.

C. Are your programs coordinated with other Federal agencies? Yes; no; partial _____.

II. Special food service program for children

1. Year around programs (approved as of June 15) _____.

2. Summer programs (approved as of June 15) _____.

3. Anticipated programs (June 15, 1971 through June 15, 1972, over and above programs indicated in 1 and 2 above):

A. Year around programs _____ ADP _____

B. Summer programs _____ ADP _____

4. Where applicable:

A. Are your year around programs coordinated with title I migrant coordinators' programs? Yes; no; partial _____.

B. Are your summer programs coordinated with title I migrant coordinators' programs? Yes; no; partial _____.

C. Are your programs coordinated with other Federal agencies? Yes; no; partial _____.

Item (21)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D.C., June 9, 1971.

MR. EDWARD J. HEKMAN,
Administrator, Food and Nutrition Service,
U.S. Department of Agriculture,
Washington, D.C.

DEAR MR. HEKMAN: Thank you for bringing to our attention the new amendments to the Food Stamp Act of 1964.

There are several definitions in it which will prevent the migrant farmworker from participating in the food stamp program. Specifically they are:

Section 3(e) of the Food Stamp Act of 1964, as amended, defines "household" as a group of related individuals or nonrelated individuals over age 60. Migrants often travel in multiple households or in family groups which may include some nonrelated adults. (Seldom are individuals over 60 in these groups as migrants rarely live to that age.) Groups of single men travel together in many areas, usually paying a small fee for food cooked by the crew leader's wife.

Section 5(b) states that ". . . shall establish uniform national standards of eligibility for participating . . . and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary." Migrants by the very fact of their migrancy and the fluidity of their income would be hard-put to fit any defined national standards.

Section 5(c) states ". . . a household shall not be eligible for assistance under this act if it includes an able-bodied adult person between the ages of 18 and 65 (except mothers or other members of the household who have the responsibility of care of dependent children or of incapacitated adults, bona fide students in any accredited school or training program, or persons employed and working at least 30 hours per week) who either (a) fails to register for employment at a State or Federal employment office, or, when impractical, at such other appropriate State or Federal office designated by the Secretary, . . ." The seasonal worker cannot wait around to register for work if it is not available when he arrives. Crops are either there or not there, and he must move on to another area if employment is unavailable.

The migrant farmworker has seldom been able to take advantage of the food stamp program in the past. Duration of stay, lack of documentation, food stamp office hours at the time of day he has to be in the fields, inaccessible distribution centers, all have been to his disadvantage. Now it appears that he is to be excluded again.

There is something terribly wrong when nutritional aid legislation is drawn up which would exclude the very segment of our population which earns it and desperately needs it.

Sincerely yours,

JOSEPH BERTOGLIO,
(FOR VIDAL A. RIVERA, JR.,
Chief, Migrant Programs Branch,
Division of Compensatory Education).

Item (22)

TEXAS MIGRANT COUNCIL,
March 21, 1972.

MARTIN D. GARBER,
Regional Administrator,
Southwest Region, FNS.

After reviewing the data you recently sent us, we feel justified in recommending that your office approve the Texas Migrant Council for assistance under the special food service program for children. The recommendation is based on the following:

1. We consider the SFSPFC a national program. Although the Texas Migrant Council is new to the Southwest, it is not a new program nationally in that it has been approved for assistance in seven States and/or regional offices (in some places under year-around funding).

2. If seven States and/or regions have approved the council for participation, it is difficult for us to explain nonapproval in Texas when the same children and organization (presumably need) is involved.

3. Based on an analysis of data available from Texas on the spending under the SFSPFC, allocation and audit review branch estimates that your office is spending at an annual rate of $607,000. Since your allocation is $816,000, you appear to have funds adequate to cover the needs of this program. For the period April 1 through May 31 (when the centers close) we estimate the council's requirement at approximately $15,600. On a full year's operation (October 1 through May 31) we estimate the funding approximately at $61,000. In both cases, based on your current spending, you should have adequate funds.

Please advise what action you have taken so that we may inform the Indian and Migrant Head Start Division.

_____ _____,
Director, Child Nutrition Division.

Item (23)

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., January 18, 1972.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Washington, D.C.

DEAR SECRETARY HARDIN: Staff members of the Office of Economic Opportunity have recently held discussions with staff members of the Food and Nutrition Service concerning difficulties faced by migrant and seasonal farmworkers in participating in USDA food assistance programs.

It was agreed that an analysis of present policies and administrative practices might prove helpful in suggesting changes to increase the availability of food assistance programs to migrant and seasonal farmworkers.

Accordingly, the attached document, prepared by the OEO staff, outlines reasons why migrants and seasonal farmworkers should be declared a special category of recipients for USDA food programs and suggests alterations which might be made in the present food assistance delivery system to assure that their special needs are met. Annual and national certification for farmworkers are cited as prerequisites to insure the adaptation of food assistance programs to accommodate the life of this constituency, and it is recommended that certain interim measures toward this goal be implemented as soon as possible.

I would very much appreciate your consideration of the recommendations contained in the attached document, and hope that they will prove helpful to the Department of Agriculture in such areas as determining operating methods for enacting new measures contained in the food stamp bill recently approved by the Congress.

I look forward to continuing cooperation between the Office of Economic Opportunity and the Department of Agriculture.

Sincerely,

FRANK CARLUCCI,
Acting Director.

EXPANDED INCLUSION OF FARMWORKERS IN USDA—FOOD ASSISTANCE PROGRAMS

American farmworkers continue to suffer grave injury due to the substandard wages paid them for their labor. The money a farmworker earns in planting and picking the world's most bountiful crop still does not enable him to share fully in the harvest. He cannot afford to provide himself and his family with a nutritious diet. In addition to low wages, the already paltry incomes of farmworkers are reduced by the mechanization which consumes their jobs of past seasons. Bad weather, damaged crops, and premature recruiting further hamper the farmworker's attempts to secure a decent living. When farm work is not consistently available in sufficient quantity, these families have an immediate need of food assistance programs.

USDA and OEO share a common responsibility to see that those in need of food stamps or commodities are provided with them. The ability of farmworkers to participate in food assistance programs freely when in need is basic to the nutri-

tional well-being of those poor citizens. When the system of providing such aid fails to meet the need, it is incumbent upon OEO and USDA to implement changes in the system whereby services are delivered to those for whom they were intended.

DEFINITION OF TARGET POPULATION

These are two types of farmworkers: Seasonal laborers and migrant laborers. A seasonal laborer is considered to be a person who worked at a farm within his county of residence or commuted daily across the county or State line to do farm wage work and returned home each night. A migrant laborer is defined as a person who left his home temporarily to do farm wage work in another county within the same State or in a different State with the expectation of eventually returning home.[1] Migrants numbered roughly 10 percent or 275,000 of the 1969 agricultural labor force.[2]

THE CASE FOR CHANGE

The current administration of the food assistance program makes regular participation difficult for all farmworkers, be they migrant or seasonal. Additionally, the system's failure to adapt itself to the special problems of the migrant laborer, especially those caused by his incessant movement, guarantees that the program shall be of minimum and erratic benefit to him. Certain areas of difficulty may be cited as prime considerations in determining needed change.

A. Inability to Document Income and Expenses.—Certification to receive food stamps or commodities usually requires evidence that the applicant's income does not exceed a prescribed amount. Such documentation of earnings is always difficult to obtain in the case of farmworkers. Farmers and crew leaders rarely give accurate and complete records of wages paid. Also, the records are often complicated by irregular patterns of advances and deductions, many of which are illegal.

When documentation of income is lacking or ambiguous a migrant will not be certified to receive food assistance. Contacting the grower or crew leader to determine income is unsatisfactory because there is no guarantee their version will reflect the real situation concerning holdbacks and deductions. The Farm Labor Service has no knowledge of individual situations. Further, the farmworker has no records to verify low wages and/or fraudulent deductions because he does not have the protection of legislation and law enforcement enjoyed by the rest of society, which require employers to keep and provide records to employees.

The farmworker has unusual business expenses such as traveling long distances to and from new work locations and the fields. These transportation expenses are substantial, but invariably difficult to document. Only rarely are they paid by the grower or acknowledged by the local welfare office as a hardship deduction in computing an applicant's net income.

B. Seasonal Concentration of Earning Power.—Most farmworkers earn a majority of their income during a growing season of several months and must live for a year on that income. Certification for receiving food assistance requires a monthly review. Frequently, the result is that farmworker families are not deemed eligible for aid during their earning months or are sold stamps at an inflated purchase price. This procedure deprives families of money they will need in later months for food and other necessities.

C. A High Degree of Mobility Among Migratory Laborers.—Migrants often work and live in more than half a dozen counties during their working months. This means that they must identify the county in which they live, locate the welfare office, and learn the hours it is open before they can even begin to learn what help is available. As he moves, the migrant is faced with a bewildering array of methods of determining income. During the year, he may be affected by as many as five or six State plans and the varying interpretations of these plans by different counties.

Among the problems arising from this characteristic mobility are the following inherent conflicts with the existing delivery system:

1. Schedules and locations for certifying and selling food stamps which may be reasonable for residents of a county often become the vehicles for preventing migrants from participating in the food stamps program. Migrants cannot schedule their arrival, length of stay, and departure time in a particular county to coincide with an unknown welfare department schedule. Thus, the limited days and hours of interviewing and issuing usually means that migrants cannot obtain stamps

[1] The Hired Farm Working Force of 1969, a statistical report (Economic Research Service, U.S. Department of Agriculture, Agricultural Economic Report No. 180), p. 30.
[2] Ibid. p. 2.

when they need them. Frequently, the migrant must sacrifice hours of work to secure a certification interview. Centers are often located far from camps. If repeated visits are necessary, as they often are, it becomes too costly. This is a special hardship on agricultural workers in the East who often travel by crews in buses and have little access to any private transportation.

2. Food assistance may be received but once a month, and often it must be obtained on a specific day. A migrant worker may purchase food stamps in a given county and immediately thereafter his search for work may taken him to a commodity county where he will be unable to redeem his stamps.

3. The welfare department's fair hearing procedure is an important provision for the protection of applicants' rights and is well suited to community residents. Hearings on entitlement to food assistance must be held within 60 days of the filing of the application. Many migrants will have moved on long before their case is called for a hearing within the 60-day limit.

4. Most areas requiring migratory labor utilize large numbers of migrants for only part of the year. When employment possibilities are not plentiful, many of the migrants in the area will need one or the other form of food assistance. Few welfare offices are adequately staffed to handle the seasonal influx of additional applicants. Thus, migrants frequently have to wait considerable periods of time before even being interviewed for certification.

5. Migrants have great difficulty in obtaining information about food assistance programs. Generally, they are not part of the welfare-using community, and they often have difficulty communicating in English. Welfare departments rarely have provisions for outreach or translation.

THE METHOD FOR CHANGE

The need for change in administrative policies and procedures governing the receipt of food assistance by farmworkers is clear. Annual and national certification seem to be the prerequisites to insure that these citizens receive what is rightfully theirs. Initial efforts to achieve this certification must include establishment of a basis for determining annual family income and the implementation of interim measures whereby States will be prepared to make the transition to annual and national certification for farmworkers.

Basis for annual family income

Approximately 2,600,000 adults plus an undetermined number of children below 14 years of age did farmwork for cash wages or salary in 1969. (This total is 300,000 fewer, or 11 percent smaller, than the agricultural labor force for 1968; mechanization and the implementation of other laborsaving technology continue to deprive more and more farmworkers of their livelihood.[3]

Farmworkers continue to receive wages which fall far short of enabling them to satisfy even their most basic needs and those of their families. The median daily individual earnings from farmwork in 1969 was $8.50.[4] Work in the fields during 1969 provided each farmworker with an average of $837. The shrinking demand for farm labor compelled these farmworkers to supplement their incomes with nonagricultural employment, thereby increasing their average annual income to $1,453.[5] In most farmworker families the wife works the crops along-side her husband. The average 1969 income, from both farm and nonfarm sources, of all couples who did farmwork in 1969 was $2,288.[6]

It should be noted in examining eligibility for participation in food assistance programs that the earning power of the family unit is the vital consideration. Often the family income is inflated by the inclusion of moneys earned by children. These earnings should be disregarded in computing the family income (as required by the USDA mandatory instruction concerning the treatment of earnings of full or part-time students).

When incomes of farmworker households are considered on an annual basis, the vast majority have sufficiently substandard incomes to qualify them for participation in the commodity or food stamp program. But, when eligibility is determined on a month-to-month basis, the farmworkers may be excluded during their earning months. The injustice of this method of determination may be seen by examining how a farmworker would fare in a State with the lowest standard of eligibility. The South Carolina "State plan of operation," which begins to disqualify families from participation at a lower income level than any other

[3] Ibid., p. 1.
[4] Ibid., p. 17.
[5] Ibid., p. 15.
[6] Ibid., p. 15.

State, stipulates that a family of six, the average farmworker household, may earn up to $225 per month or $2,700 annually and still receive food stamps or commodities. This income ceiling is considerably above the $2,300 that the average farmworker and his wife can expect to earn in a year to support themselves and their four children. When a substantial majority of these families qualifies for aid under the most exclusive standards in the Nation it is clear that, based on their annual earnings, the overwhelming mass of the farmworker population is legally deserving of food assistance on a year-round basis.

Interim measures

Initial efforts to implement annual and national certification, whereby the vast majority of farmworkers will be able to avail themselves of food assistance programs, should include the following:

(*a*) Certification pending verification of eligibility should be a mandatory provision of USDA regulations.

(*b*) USDA should issue a policy whereby farmworker incomes, including just treatment of hardship deductions, would be determined on a consistent basis.

(*c*) A shorter period between the certification interview, the decision, and the provision of aid should be allowed for transients.

(*d*) All State plans should implement USDA's mandatory instruction to disregard full- or part-time students' income in determining family income.

(*e*) Regulations should be issued specifying that States should make provision for statewide certification on an annual basis. This would follow the USDA regulation issued April 10, 1969.

(*f*) Counties containing a large migrant population which request change from commodities to food stamps should be given priority.

(*g*) USDA regulations governing commodity distribution programs should be altered to enable an individual to pass from areas issuing food stamps to those issuing commodities with no disruption in program participation.

CONCLUSION

The Office of Economic Opportunity should work with the Department of Agriculture toward issuing a new body of regulations and instructions which will effectively expand the opportunity for farmworker participation in the food assistance program. Farmworkers should be conisdered a special category of constituent and granted annual and national certification.

No State currently certifies farmworkers on an annual basis and no mechanism exists for the national certification of individuals to receive food assistance programs. Further, there are no guidelines established for the interchangeability of food stamp and commodity certification across county and State lines.

Certification on an annual basis would protect the farmworker from being victimized by the extensive seasonal fluctuations in his earning power; annual income should determine his rightful share of food assistance, regardless of the pattern in which it was earned. By annualizing any State's maximum monthly income for eligibility the average farmworker would qualify for aid throughout the year. Yearly certification valid anywhere "along the stream" would insure participation by migratory laborers in food assistance programs. No longer penalized during the season when most of his income is earned, and freed from certification delay at each new stop, the migrant would be able to receive food stamps or commodities on a nearly regular basis.

Annual certification could be accomplished by granting certification without full written documentation in each individual case; all applicants could be extended presumptive eligibility with a sampling subsequently investigated more extensively. Until national eligibility standards are established, the median eligibility criteria for all States might be utilized as the basis for eligibility standards. Individuals with annual incomes below this level would be certified, preferably in the home base, to participate in the place where they are currently living and issued identification enabling them to purchase stamps or obtain commodities wherever their work might take them. The purchase price for stamps could be determined on the basis of average monthly earnings for one year or be weighed to cost more during the months of greater earnings, and less during months of reduced earnings.

While this plan may increase the cost of certifying farm workers in their home base areas it will certainly save money for the "stream" counties and States. In addition, the cost of repeated certifications will be eliminated. USDA has sufficient flexibility with its section 32 funds to absorb any extra costs which this plan would induce in home base areas.

Interim measures as previously noted should be implemented as soon as possible. In no way, however, are these measures a substitute for annual and national certification. Such certification is the only means of assuring participation by all eligible farmworkers in USDA food assistance programs.

Item (24)

FEBRUARY 12, 1971.

MR. FRANK CARLUCCI,
Acting Director, Office of Economic Opportunity,
Washington, D.C.

DEAR MR. CARLUCCI: Thank you for your letter of January 18, 1971, regarding the participation of migrant and seasonal farmworkers in the USDA food assistance programs.

I have reviewed the proposals contained in the attachment to your letter and appreciate the time and effort you and your staff put into its preparation. We have, as you know, been concerned on the impact of our programs among migrant and seasonal farmworkers.

We hope that you will be in a position in the near future to supply us with the data gathered by your staff members and grantees on results from your experiences in working with the migrants. We think that it is extremely important to pinpoint both the policies and mechanics that cause eligible persons to be excluded from the benefits of our program. It has been our experience that averages in dealing with the incomes of the poor obscure as much as they reveal.

Since all of the suggestions contained in your paper are based on data derived from the Hired Farm Working Force of 1969, a Statistical Report (ERS, USDA, Agriculture Economic Report No. 180), I have again carefully reviewed the data contained in that report. While your staff assumes that the average of all workers is the significant characteristic in determining average food needs, it seems essential to us that the individual components within that population be examined. For example, 1.5 million of the 2.5 million persons were not basically in the labor force and appear to be numbers of households of other wage earners, according to the report. The yearly income for those who were in the labor force and appear to be head of households ranged from $2,829 to $3,989 average income per worker, depending on the category. Clearly, from the averages, many are in need of food assistance. Others must have incomes substantially above any reasonable exclusion scale for the averages to reach these levels.

We would be most interested in your comments on the group-by-group averages as they relate to the data you have secured on income streams of migrants your programs have reached in the past years. We would also be interested in how your suggestions, including the averaging of yearly income, would actually affect individual households with which you have had extended contact and income data. Would it be more advantageous for them to pay a relatively high purchase requirement throughout the year than to be ineligible in months of peak earnings and receive assistance at the minimum purchase level when they are unemployed?

We look forward to continuing our discussions with you and your staff members.

Sincerely,

HOWARD P. DAVIS,
Acting Administrator.

Item (25)

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C.

To: Regional administrators.
Subject: Migrant programs.

In order to obtain statistical information on USDA assistance to migrants, we would appreciate your duplicating and having each State director complete the attached form. Regional offices may either indicate their figures above the State figures or may complete a separate form.

In order to obtain complete data, the State director (and regional office where applicable) should consult with the title I migrant coordinator and any other official (OEO, Labor, etc.) operating programs for migrants.

We would appreciate a reply by September 20, or earlier, if you have obtained the data.

_____ _____,
Director, Child Nutrition Division.

Attachment.

PROGRAM ASSISTANCE FOR MIGRANTS

STATE_____

	Jan. 1, 1971 to May 31, 1971	June 1, 1971 to Aug. 31, 1971	Sept. 1, 1971 to Dec. 31, 1971	Total estimated actual plus anticipated
	(1	(2)	(3)	(1+2+3)
1. Estimated number of programs assisting migrant children				
2. Estimated number of migrant children assisted				

1. Combine school lunch, breakfast, special milk, special food service, etc. Consider each participating school and/or institution as a separate program if the school and/or institution has categorized migrants or has a significant number of migrant children participating (25 percent or more).

2. Periods June 1, 1971, to August 31, 1971 and September 1, 1971, to December 31, 1971 should reflect only additions. Count programs and participants in time period in which program was approved. Programs overlapping into another time period should be counted only in the earlier time period.

Item (26)

Re letter to Mrs. Young.

(1) Unless carefully reworded, paragraphs 4, 5, and 6 could leave impression that we have no priorities this year. We are particularly interested in developing a food service in no-program schools in low income areas, whether it is lunch, or breakfast, or both. (Note last sentence paragraph 6.) Certain private schools in other areas, for example, would have a very low priority. And I don't know where funds will come from if we keep pushing breakfasts except for real needy schools.

(2) We are appreciative of the efforts of these churchwomen, and we don't know of any criticism from Department officials, Washington or field. Some criticism has come, I understand, from local officials who have not appreciated the approach made by some of the women. Their approach, of course, should be in expressing interest and concern and not with attitude of need for checking to see that a job is done.

Item (27)

JUNE 1, 1971.

Re status of special food service program for children.

HOWARD P. DAVIS,
Deputy Administrator.

We have just completed a roundup of funds for each State concerning the special food service program for children and supportive materials are attached.

According to the States' request, approximately $14,518,811 is required to complete the fiscal year 1971 operation. This includes their estimate for summer operations which will commence in June. As you know, we have $12 million in the fiscal year 1971 budget and the Budget and Finance Division indicates there is $1.3 million of fiscal year 1970 funds which can be used in the reapportionment of fiscal year 1971 funds. Therefore, we have funds available in the amount of $13.3 million for fiscal year 1971 operations and State agencies have requested $14,518,811.

It is recommended that we reapportion the fiscal year 1970 and 1971 funds ($13.3 million); if we are to respond to the additional $1.2 million request of the State agencies, it will be necessary to use section 32 funds available as a result of transfer between the various funds this year. If fiscal year 1971 section 32 funds cannot be used for this purpose, it will be necessary to prorate the funds available.

This approach will have a serious impact on summer programs in that many commence in June and, unless bloc grants are made available, they will not be able to start.

Based on our analysis of obligations and knowledge of program operations, we anticipate that approximtely $2 million of fiscal year 1971 funds currently being requested by State agencies will not be utilized. However, if we are not able to respond to their requests, summer programs will be affected directly because of the conservative nature of State agencies in not initiating programs until they are assured funds are "in hand."

Further, State agencies indicate that $17.6 million is required for the fiscal year 1972 summer programs and that approximtely $16 million is necessary to maintain the year-round programs at their present level. At this time, State agencies have $4.6 million in firm obligations for summer programs. However, this does not include big city operations since negotiations have not been concluded at this time.

Information received from State agencies, in addition to the above-mentioned funds request, indicates that the planning of summer programs is widespread and that the number and size of programs are far greater than anticipated when the budget was proposed. In addition to the inadequacy of funds in the budget, it is important to realize the impossibility of operating summer programs of this magnitude under the present apportionment formula. In summary, because of summer strife and metropolitan problems, the special food service program for children has become an important dimension of summer programs throughout the Nation and under our current apportionment formula and budget restrictions, section 32 bloc grants are necessary if we respond to this need. Because of the important role and social impact this program has on endeavors of this nature, considerable reaction will be forthcoming in the event funds are not available. In addition, we anticipate a ground swell of public opinion that could very well affect the reaction to the supplemental appropriation bill now in the Senate.

BIG CITY PROGRAMS

City	Children	Length of time (weeks)	Cost
Atlanta	25,000	12	$1,000,000
Baltimore	(1)	10	1,000,000
Birmingham	10,000	12	300,000
Chicago	50,000	12	1,100,000
Dallas	10,000	10	100,000
Detroit	26,000	10	635,000
District of Columbia	50,000	10	1,200,000
Fort Worth	10,000	10	100,000
Los Angeles	100,000	10	5,000,000
Memphis	25,000	12	300,000
San Antonio	20,000	10	200,000

[1] Not known.

It is our proposal, in order to finance such a summer program, to utilize section 32 block grants and, in the absence of such approval, it is recommended that the following action be taken:

1. Advise State agencies that we intend to reapportion fiscal year 1971 funds and fiscal year 1970 carryover funds immediately. If section 32 funds are not available for fiscal year 1971 operations, the reapportionment of 1971 and fiscal year 1970 carryover funds will be prorated to the States accordingly. States will be advised to plan programs within the funds available.

2. Advise State agencies that additional funding, above those funds available in the fiscal year 1972 budget request, will not be forthcoming, and that they should structure their programs in line with these resources.

If this approach is taken, it is recommended that resources' priority be given to year-round programs.

HERBERT D. ROREX,
Director, Child Nutrition Division.

Item (28)

STATEMENT OF HON. RICHARD E. LYNG, ASSISTANT SECRETARY OF AGRICULTURE, JUNE 8, 1971, BEFORE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

* * * We are happy to be able to report that we have been able to meet demonstrated needs for additional funds this year * * *.

Senator CHILES. Well, if you have ample money for the amount requested by the President's budget, but are you saying that is an ample amount to take care of all the needs?

Mr. LYNG. I am not saying it is an ample amount to take care of all the requests of all the States.

Senator CHILES. You are just saying in your testimony that the authorization you are requesting here will produce sufficient funds for you will have sufficient funds to take care of the administration's budget request?

Mr. LYNG. That is correct.

Senator CHILES. Well, I think the concern, then, is whether the administration's budget request is sufficient to take care of the needs.

* * * * * * *

APPENDIX II

Programs Authorized To Provide Food Assistance for Migrant Children

(Prepared by the Staff of the Select Committee on Nutrition and Human Needs)

I. AUTHORITY: NATIONAL SCHOOL LUNCH ACT OF 1946, AS AMENDED

General Provisions

Migrant children receive no special attention or designation for participation in school lunch programs, although they are specially needy. Many migrant families, for example, are reluctant to fill out the forms for free school lunches, some school personnel are reluctant to involve this shifting population in the programs.

Section 13 of the Act

Section 13 provides for the authority to feed children in nonprofit, nonresidential, nonschool settings. It is the single largest source of funds available for feeding migrant children. In fiscal year 1972 a freeze was imposed on all programs receiving section 13 money. Because that funding source is new since 1968, programs are small in number. During the past year most requests for new programs have been denied; and program expansion requests are denied. Migrant programs in particular tend to be denied because their population is always changing.

This year (fiscal year 1973) the administration is requesting the same level of funding as last year. Therefore, needs for migrant feeding will remain unmet and even be more acute due to rising food costs.

Need.—There are at least 290,000 school-age migrant children, and another approximately 200,000 preschool migrant children. Fewer than half participate in food assistance programs under the most generous estimate available.

II. AUTHORITY: TITLE I MIGRANT FUNDS IN THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Migrant children are designated by HEW (and every other federal agency exexcept USDA) as specially needy. Under title I they may be assisted by regular title I funds and special title I migrant funds because their needs are so great.

Title I migrant funds are intended for all services required by migrant children, but are generally intended for educational purposes. Because the USDA programs for food service (especially section 13, above) are underfunded, scarce title I moneys intended for educational, medical, and other purposes are used for food.

Need.—Of the $45 million available for all title I services an unknown portion (which may be as high as 20 to 30 percent) is regularly spent for food.

III. AUTHORITY: INDIAN AND MIGRANT HEADSTART PROGRAMS

Migrant children should receive nutritious meals in Headstart. As with title I ESEA funds, there is no amount of Headstart moneys designated for food, and yet food must be paid for out of these educational funds because the funds are not being made available under section 13 in amounts adequate to meet current needs.

Need.—$3 to $4 million is currently spent for food out of Headstart funds in programs for Indians and migrants. In these programs at least an additional $1 to $2 million is required to provide for increased food and service costs, and to provide breakfasts where they are not now available.

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IV. IN SUM

The most logical source for feeding migrant children is the National School Lunch Act. School-age migrant children should and could receive free lunches except that the USDA has refused to grant them categorical eligibility, and the children are thus excluded from the programs for procedural reasons.

Preschool migrant children, and children who are out of school during the summer, should be provided for under section 13 of this act. (It should also apply to migrant children in the stream who are only in school for 2 months—April, May, or September, October—and who are not covered now.)

The principal obstacle to coverage under section 13 is the freeze imposed in that program, and the refusal of the USDA to request additional funds. Migrant programs are unevenly or not at all covered now; with the same amount of money going less far, they will be worse off in the coming year. In particular, $7.8 million is needed in the summer of 1972 to fund summer feeding programs for migrant children.

Issues for Hearing on Feeding Programs for Migrant Children

I. FUNDS

The funding authority primarily involved is section 13 of the National School Lunch Act. That funding source has been appropriated $49 million for fiscal year 1972. Only about $35.8 million is being expended because the administration has imposed an absolute freeze.

A. Migrant programs are being "frozen out": new programs cannot get funding, existing programs are being denied expansion. Yet there is money in section 13 that could be used right now.

B. In Public Law 92-32 Congress authorized the Department of Agriculture to use up to $135 million in money out of section 32 (Customs Duties slush fund) to meet needs in the child nutrition programs under the school lunch act. That money has not been used, and is available (there is a carryover provision into fiscal year 1973).

II. NEED

Migrant children are specially needy. They are entitled to both regular title I and title I migrant funds, and they are identified as a special group by every other Federal department and agency. Only the Department of Agriculture fails to recognize their special needs.

Because migrants are also particularly unable to meet normal certification requirements (they have poor or no pay records) they are doubly jeopardized by this failure. The Department of Agriculture has made no effort to alleviate the problem through group certification.

Other programs intended to aid migrants would do far better if at least the children were assured of adequate food. Until then the special education money makes no sense, or conversely, is used up for food, when it should be spent on education.

III. PERVERSION OF CONGRESSIONAL INTENT

Congress intends that title I education money be spent for education, and that child nutrition money be used to feed the children. Congress has assumed (because the USDA has told them) that the feeding needs of the childern are being adequately met. USDA has requested no increase in funds under section 13. USDA admits to no large unmet need. Yet across the country, financially strapped programs for desperately poor migrant children are having to "borrow" equipment, medical, and education funds just to feed the children.

The will of Congress is being subverted, the children are being shortchanged, and program funds intended for the purpose of education are not being appropriately used.

IV. THE RECORD OF THE USDA WITH RESPECT TO MIGRANT CHILDREN

The simple issue is that USDA has not requested funds that it knows are required to meet a need that is amply documented in its own files—a need that remains unmet in large part through bureaucratic ineptitude, mismanagement, and general confusion.

Summer Lunch Program—Funding

Authority: Section 13 of the National School Lunch Act; enacted 1968.
Program: Fourth year of operation.

Funding each year (summer plus year-round together)

[In millions]

Fiscal year 1969	$3.2
Fiscal year 1970	7.3
Fiscal year 1971	20.9
Fiscal year 1972	49.0
Fiscal year 1973 (requested)	49.0

The Department of Agriculture claims that fiscal year 1972 expenditures under section 13 were as follows:

	million
Fiscal year 1971 funds (for programs starting in June) (estimated obligations)	$2.1
Fiscal year 1972 funds (July and August) (claims made)	19.0
Total	21.1

(A) Estimated total spending on year-round programs: $17.1 to $17.4 million (spending rate of $1.2 million per month).

(B) Cumulative obligations through February 29, 1972, summer and year round: $29.5 million.

Therefore, of $49 million made available by Congress for fiscal year 1972, U.S. Department of Agriculture claims to have committed only a maximum of $38.5 (actually $36), on leaving a carryover of at least $10.5 million—which they don't admit to.

Two points: The year-round (day care) programs have been frozen all this fiscal year. If they have a substantial excess, why have they refused all requests for day-care funding?

If they have a $10.5 million surplus, why are they unable to spend more on the summer feeding programs?

They will possibly count in a $6 million figure to be used in June of 1972 (which is still fiscal year 1972).

By claiming only those obligations which they have thus far met in the summer program, the $19 million "claims made" figure, they can claim to be providing a 25-percent increase when they come up with a total of $25.5 million for this summer.

In fact, their computer broke down in August. They have no accurate figures on participation, on claims for reimbursement, or on total program costs. Some claims have not yet been paid, other have been overpaid. Detroit, for example, is shown to have fewer than 1,000 children per day participating in the peak month of August 1971, though they served approximately 25,000 meals per day. That is when the computer broke. Milwaukee was overpaid by about $10,000 until the mistake was discovered by hand.

Section 32 funding

Last year USDA used $11,225,000 out of section 32 funds (one-third of all import duties) to support the program. This year they expect to use $28,225,000 out of that same source.

(1) Last year Congress authorized USDA to use up to $135 million out of section 32 funds to alleviate the summer crisis and meet other shortfalls in the child nutrition programs. USDA used none of that $135 million on summer lunch but instead transferred other section 32 funds. That money is still available and could be committed immediately to begin the programs with full funding support.

(2) Because of the import duty imposed under phase II, there will be approximately $200 million in additional funds in section 32 during fiscal year 1973 (actually that money is available on a calendar year basis and is theoretically available now). Given that increase, USDA could be requesting an increase in funding under section 13.

(3) They will say that they used the $135 million (point 1) to meet the congressional request in November to continue high levels of support for the regular school lunch program. However, at that time Congress made the necessary

money available and assumed that USDA would request it in the second supplemental and thereby "pay back" the section 32 fund. As is evident from Congressman Perkins' letter, Congress did not intend their November action to supersede the early action providing the $135 million.

SECTION 32 FUNDS

	Fiscal year—		
	1971	1972	1973
Customs receipts available	$728.8	$765.9	$959.1
Carryover	300.0	300.0	133.8
Total available	1,028.8	1,065.9	1,092.9

Clearly, there is an increase in customs receipts going to make up the section 32 fund. Given the current (and apparently growing) trade deficit, customs receipts should be even higher next year.

Question. Given the real and anticipated increases in the moneys available, has the Department made any requests of its congressional committees to make additional funds available to the cities for the summer programs out of these moneys?

If not, why not?

CENTER ON SOCIAL WELFARE POLICY AND LAW,
New York, N.Y., May 2, 1972.

Re USDA and food stamp program provisions relating to migrant and seasonal farmworkers.

Mr. BOREN CHERTKOV, Esq.,
Chief Counsel, Senate Subcommittee on Migratory Labor, Senate Annex, Washington, D.C.

DEAR MR. CHERTKOV: I am writing this letter to inform you of two very basic problems with USDA's administration of the food stamp program with regard to migrant and seasonal farmworkers. I have gathered the information contained on the practices and policies through my experience as an investigator for Florida Rural Legal Services and through continued contact with the attorneys there. The performance of USDA with regard to the enforcement of the "outreach" provisions of the Food Stamp Act added by amendment in 1971 and with regard to the approval of certain regulations on the estimation of income for determining eligibility for the food stamp program has had the net effect of depriving many migrant and seasonal farmworkers of substantial benefits under the program.

The "outreach" provisions of the Food Stamp Act (at section 10(e)(5) of the act) set forth requirements for State agencies administering the program. These requirements are that State agencies shall take effective action, including utilization of services provided by other federally funded agencies and organizations, to inform low-income households of the availability and benefits of the program, and insure the particiption of eligible households. The regulations promulgated pursuant to these statutory provisions make very clear that State agencies as a condition for the funding and operation of the food stamp program must have a plan for outreach—a plan for utilizing other federally funded agencies and a plan for information distributed to low-income households about the program and a plan to insure the participation of eligible households. (See 7 C.F.R. § 271.8(e)(4) at 36 Fed. Reg. 14110, 7 C.F.R. § 271.1(s)(iii) at 36 Fed. Reg. 14106.) The State agencies were due to have State plan provisions submitted to USDA by January 29, 1972. As of that date, according to information received from the Senate Select Committee on Nutrition and Human Needs, no State agency had submitted a plan for outreach to USDA–FNS.

The operative effect of the State agencies' failure to submit outreach plans to USDA–FNS and the effect of USDA's failing to terminate those agencies which failed to submit such plans are very clear for migrant and seasonal farmworkers. If the State agencies in the home base winter States had complied with the outreach provisions of the act and of the regulations, then migrant and seasonal armworkers would be informed that they could take benefits under the program

across State lines as the summer harvest work develops and as the migrant and seasonal work force moves into the Northern, Western and Eastern States. (See 7 C.F.R. § 271.4(a)(6) at 36 Fed. Reg. 14109). There has been little effort by the State agencies and by USDA-FNS to inform migrant and seasonal farmworkers about this particular benefit. The agencies have not necessarily refused to enforce the provisions; however, dissemination of knowledge of the benefits of the program to low-income households is a responsibility specifically delegated to the State agencies and to USDA–FNS by their responsibility to oversee the operations of State agencies and to initiate action to terminate the operations of a food stamp program where State agencies refuse or fail to comply with conditions of State plans of operation.

The history of social welfare programs with regard to migrant and seasonal farmworkers is a sordid one. Exemptions or strictly described coverage characterize the benefits that migrant and seasonal farmworkers can get under many of the programs. Additionally, many jurisdictions have imposed additional barriers to eligibility that focused on the particular fact of migrant life—mobility across State lines. To have one of the first truly federalized benefits (food stamp eligibility that can be taken across State lines) unenforced by State and Federal agencies charged by law with the responsibility to administer these provisions highlights the essential powerlessness of this particular group of working people.

The second provision harmful to migrant and seasonal farmworkers which USDA has, by its acts of commission, helped to implement is the provision on the determination of income from farm operations. The Federal regulations promulgated last July provide that State agencies may allow otherwise eligible households which derive their income from farm operations or farm employment to be certified for eligibility for up to 12 months (see 7 C.F.R. § 271.4(a)(4)(iii)(d) at 36 Fed. Reg. 14109); however, other provisions of the regulations allow State agencies to handle income of households which derive their income from farm operations or self-employment by either averaging evenly such income or by prorating the income unevenly over the certification period not to exceed 1 year. What this means is that State agencies have the ability to declare eligible households of migrant and seasonal farmworkers for up to 1 year, but, more critically, they also have the power to anticipate and forecast the income received by those households. In the food stamp program, the level of income attributed to an otherwise eligible household is what determines the amount that the household will pay for the stamps; the greater the income generally the more the household will pay for the specified monthly allotment of stamps. State agencies have been promulgating State regulations with the apparent approval of USDA that allow State agencies to forecast income for members of households which derive their income from farm operations or farm employment on ". . . an as needed or itinerant basis." If the State agency, under grower or other pressure, wished to make a migrant household ineligible it could easily attribute anticipated income to a household where, in fact, none existed or none could exist. For example, a migrant household could be made eligible for stamps in a particular State and could be receiving stamps at relatively low purchase level due to the fact that harvest operations had not yet begun in an area; as the harvest operations begin, the State agency could, under the above provisions, determine that the household was making more money than it actually was in fact making. Jacking up the price of stamps in this fashion is a convenient grower tactic that has been used in the past to get farmworkers to stop buying stamps and to get into the fields at starvation wages (see *N.A.A.C.P. v. Hodgson*, administrative complaint filed with Secretary of Labor on April 22, 1971, concerning Rural Manpower Service, exhibits No. 900–965.) Migrant and seasonal farmworkers have little opportunity to rebut the presumption of such income anticipated from such farm operations; in many instances, provisions of applicable State and Federal laws that would provide the farmworkers with adequate wage statements to tell the State agency just how much money is being made by the household are unenforced.

The advent of the peak summer harvest season mandates that further oversight and inquiry be exercised on USDA–FNS and its ability to supervise State agency practices so that the abuses of the immediate and historical past will not be replayed and so that those who work the land will not starve while doing so.

Sincerely,

TOM FOLTZ,
Law Clerk.

[From the Washington (D.C.) Post, May 1, 1972]

United States Seen Bungling Food Aid for Migrants—After Many Promises, Kids Go Hungry

(By Austin Scott, Washington Post Staff Writer)

A food program specialist who quit the Agriculture Department as a "matter of conscience" charges that, largely through internal bungling, the Department has made well-intentioned child nutrition programs "especially deterimental to migrant children, and probably . . . to most other needy children."

Marvin Levin, scheduled to fly to hunger-plagued Bangladesh Tuesday to set up food programs for CARE, is to testify before a joint session today of the special Senate committees on migrant workers and on nutrition and human needs. In prepared testimony, he draws a picture of hungry migrant children waiting in vain for help which the Department should give, and could if it weren't constantly stumbling over its own philosophy and procedures.

Its failure to do what existing legislation and appropriations already allow, Levin said, has forced other Government agencies to fill the gap, spending money on food that was supposed to educate or train poor families.

He estimated that $5.3 million to $7 million was diverted to food from its intended purposes in 1971.

The result, he said, has been detrimental to migrant worker programs run by other agencies, primarily Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor.

Some of Levin's charges have been supported in the past few weeks by outside groups that reported on special summer feeding and school breakfast programs.

Levin worked for USDA from February 1971 until last Friday, after spending 5 years in India with CARE, administering state child nutrition programs.

"The most obvious indication that the Food and Nutrition Service is not meeting the food needs of migrant children is that other U.S. agencies, concerned with nonfood aspects of the migrant child, are diverting large portions of their budgets . . . into the food program," he said.

LEAD-ON TECHNIQUE

He estimated that 8 to 23 percent of such budgets wind up being used for food, primarily because USDA lures program administrators right up to the last moment into thinking they will get the money they need.

"You lead them and you give them every indication, but you don't quite make that final commitment," Levin said.

He told of a series of meetings on migrant programs run primarily by HEW last summer, at which USDA's Food and Nutrition Service told State and Federal agencies "Don't spend your own money (for food), put your money into education. . . . We have plenty of money to pick up your needs."

"But we didn't have that money," Levin said in an interview, adding that he was one of the officials making such promises.

"We did not know the money wasn't there," he said. "We honestly thought at the time that the problem was nonparticipation, that they weren't applying (for food money). At no time were we ever corrected."

One complicating factor is that sometimes the money is there even when USDA thinks it isn't, Levin said.

Last October, his testimony said, the Texas Migrant Council headquarted in Laredo, applied to USDA's Texas regional office for money to fund a program.

"Although the regional office determined that the council was eligible, and needed assistance, it did not approve participation because they thought they had committed their $816,000 appropriation," he said.

Not until 5 months later, late last March, did USDA notify the regional office that the office had only committed $607,000 and therefore did have the money, he said.

"Thus for 5 months we withheld approval for a necessary program because we did not know how much money we were spending." About 650 migrant children were affected, he said.

"INSENSITIVITY" SEEN

Levin said he could give dozens more examples. He blamed such problems on the Department's "insensitivity to the special problems of migrant children," its inadequate data, internal problems and attempts to serve the administration rather than the hungry.

But, he said, they produce "extremely adverse effects," such as:

In California, 22,000 migrant children paid 30 cents for lunches in 1971 instead of getting them free because their parents had not gone through USDA's required procedure of signing income statements, a procedure Levin called "not feasible" for migrant workers.

In New York, 5,500 migrant children were fed by diverting title I funds intended for their education.

In Florida, about $160,000 last year, and an estimated $260,000 this year, will be diverted from title I educational funds to pay for food that the Food and Nutrition Service should be paying for.

"The Food and Nutrition Service has been repeatedly advised that the parents of migrant children, in most cases, are functionally illiterate," Levin's testimony said, "that the parents do not know what their yearly income is. . . .

"Therefore the Department should authorize categorical (automatic) certification for migrant children."

"Migrancy is an occupational grouping with known income levels," he commented, but "the response from FNS has been silence."

By not recognizing migrants as a special group, he said "the Department has placed an extremely heavy administrative burden on migrant sponsors. Last year one local sponsor applied to 11 State and/or regional offices."

The Department also frustrates attempts to learn more about its programs, Levin said:

"In August 1971, I attempted to formally gather data on the number of migrant children participating in state programs . . . the information would have allowed us to plan a program based on probable needs.

"The letter requesting the data never left the Department because, as the note attached to the letter indicated, 'the time is not right.' "

The note was signed by Herbert Rorex, Chief of the Division of Child Nutrition, Levin said.

His testimony offered several recommendations for USDA, including categorizing migrants "as a special target group," automatically certifiying migrant children eligible for free school lunches, and submitting to Congress "a plan of operation specifying where it is, where it is going, how it plans to get there. . . ."

So far, Levin said, repeated criticism from inside and outside the Department on its food programs has resulted only in patchwork, temporary fixes that don't prevent the problem from recurring.

What is needed, he said, is a basic change in the systems within the Department.

[From the Tampa, Fla., Times, June 9, 1972]

Food Stamp Snafu Hampers Migrants

(By Ann Cravens, Times Staff Writer)

Ruskin.—The dinner bell was a hollow ring for many migrant families who have discovered, too late, that there are no instant food coupons in Hillsborough County.

The Jesus Ledesma family is typical of the thousands of families that arrived here in May for the peak of the tomato harvest.

The family of four wage earners and 11 dependents followed the crops up from south Florida and they, like many others, had little money and no food stamps when they arrived here.

When they applied for the coupons, part of a federally funded program that allows the poor to buy food at a discount, they were told that they qualified for the program but that they had to wait 3 or 4 weeks, said Margarita Mata, Jesus Ledesma's married sister.

Ledesma said his father, Francisco Ledesma, didn't want to go back because they always say come tomorrow and he misses a lot of work.

Anyway, they'll be moving on to Alabama in a few days.

The Ledesma family's story is echoed by many other migrant families. They say they'll be gone by the time the food stamp office has time for them.

They can't work when they are traveling and they can't work unless they travel, so they say they'll arrive in the next town short on money, short on food and still not signed up for food stamps.

Operators of the food stamp office, located at 912 Tampa Street, do not deny the situation exists.

The problem is understaffing, said Mrs. Evelyn Jones, a former social worker and food stamp coordinator for Hillsborough and Polk counties. And right now it doesn't look like they'll be getting any more personnel.

A random check of a migrant camp on the Council Farms brought out these accounts of delay and frustration:

Mrs. Matilde Espinoza has missed 1 day of work already to make the 50-mile trip to Tampa to apply for food stamps. She was given an appointment on June 14 but by then she says, she and her husband and their 15 children will have moved north following the harvest.

In Homestead, where the family spent the winter they were on the food stamp program. But the office there apparently did not tell them that they could transfer their application when they moved if they would make arrangements before they left.

The family of Preciliano Galan applied for the program around May 24 or 25 and was told to come back June 6. If they can afford to miss another day of work they will go back.

The Tampa food stamp office is open from 8 a.m. to 5 p.m. Mrs. Jones has considered opening an office in the Ruskin area during the day but said there is no chance it will get started within the next month.

And by then the migrants will be gone.

[From the Washington (D.C.) Post, May 1, 1972]

Migrant Food Programs Hit

(By Austin Scott, Washington Post staff writer)

A food program specialist who quit the Agriculture Department as a "matter of conscience" charges that, largely through internal bungling, the Department has made well-intentioned child nutrition programs "especially detrimental to migrant children, and probably . . . to most other needy children."

Marvin Levin, scheduled to fly to hunger-plagued Bangladesh Tuesday to set up food programs for CARE, is to testify before a joint session today of the special Senate Committees on Migrant Workers and on Nutrition and Human Needs. In prepared testimony, he draws a picture of hungry migrant children waiting in vain for help which the Department should give, and could if it weren't constantly stumbling over its own philosophy and proceedures.

Its failure to do what existing legislation and appropriations already allow, Levin said, has forced other Government agencies to fill the gap, spending money on food that was supposed to educate or train poor families.

He estimated that $5.3 million to $7 million was diverted to food from its intended purposes in 1971.

The result, he said, has been detrimental to migrant worker programs run by other agencies, primarily Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor.

Some of Levin's charges have been supported in the past few weeks by outside groups that reported on special summer feeding and school breakfast programs.

Levin worked for USDA from February 1971, until last Friday, after spending 5 years in India with CARE, administering state child nutrition programs.

"The most obvious indication that the Food and Nutrition Service is not meeting the food needs of migrant children is that other U.S. agencies, concerned with nonfood aspects of the migrant child, are diverting large portions of their budgets . . . into the food program," he said.

LEAD-ON TECHNIQUE

He estimated that 8 to 20 percent of such budgets wind up being used for food, primarily because USDA lures program administrators right up to the last moment into thinking they will get the money they need.

He told of a series of meetings on migrant programs run primarily by HEW last summer, at which USDA's Food and Nutrition Service told State and Federal agencies "Don't spend your own money (for food), put your money into education . . . We have plenty of money to pick up your needs."

"We did not know the money wasn't there," he said. "We honestly thought at the time that the problem was nonparticipation, that they weren't applying (for food money). At no time were we ever corrected."

One complicating factor is that sometimes the money is there even when USDA thinks it isn't, Levin said.

Last October, his testimony said, the Texas Migrant Council headquartered in Laredo, applied to USDA's Texas regional office for money to fund a program.

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Levin said he could give dozens more examples. He blamed such problems on the Department's "insensitivity to the special problems of migrant children," its inadequate data, internal problems, and attempts to serve the administration rather than the hungry.

But, he said, they produce "extremely adverse effects," such as:

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THE PLIGHT OF THE MIGRANT

This article is by a migrant woman who prefers to remain anonymous, she says, in order to continue getting work. Her first article appeared on this page last November.

(By a migrant worker)

LA BELLE, Fla.—I don't intend to stop speaking up until I can get something better for the farm migrant workers here in Hendry County, for we have been ignored long enough.

First, the unemployment compensation, for we are without a day's work from the last of May until the first of September. Then we just have to get by the best we can. To get unemployment checks, they tell us we must draw from the last place we worked and that's a little hard to do, for we may just work a week or two with one farmer and then on to the next one. We have to work here one week, somewhere else the next week, so none of the farmers want to help us get anything. Sometimes we have to go 100 miles a day to get work for $12 and $13 a day.

I know people think there is lots of work here but there really isn't. A short season has to do us a whole year, for after the farmers get through with their

crops they laugh in your face if you ask them for a day's work. Most of the people we work for don't even take our social security number.

Next, the medical problem, and that's really pitiful. I can give you a first-hand report on that myself. Several weeks ago I became very ill while in the field trying to work and was brought home and was taken by a neighbor to the migrant clinic here. The doctor at the clinic told me I had a tumor and it looked bad, and I was bleeding very bad. If you are seriously ill and go to the clinic, they will send you to a doctor one time, but if you need to be put in the hospital, that's your problem, for they say they have no funds to pay for you to go to the hospital. Most of the time they give you a bag full of pills at the clinic and tell you to come back next week. I will say the doctor at the clinic is a very wonderful person. She just hasn't any money to help you.

I wrote to the Division of Migrant Labor in Tallahassee and someone came to see me and I explained my situation to him and he sent me to the welfare office, almost a month ago. So far I have heard nothing from them and I still have not been able to get in the hospital. And all the other migrants have the same problem about hospitals.

We don't have an OMICA (Organized Migrants in Community Action) office here in La Belle. They do have one in Immokalee, but there are hundreds of migrants there, so we just try to help ourselves and they come to meetings here and try to help, but OMICA doesn't have any funds, either.

Now, my favorite subject. Lots of people here have stopped buying food stamps, because they are so high and some pay more than others. (My husband has to furnish his own transportation to work, for he has to go about 30 miles, so he needs a car.) I can give you my own bills and the money we had coming in for 1 month:

My husband's total pay for the month was $237. Rent was $85, water $19.28, electric bill $12.50, gas for cooking $10.85, car $65, life insurance $32, and gas for work $12. All this comes to $236.63, which left us 37 cents.

So I went to the food stamp office, because we needed food, and they wanted me to pay $36 for $60 worth of stamps for a month and I just didn't have the money. And $60 will not buy food for a month.

The rent here is terrible, $125 a month for a small trailer. Lots of the men just sleep out on the river banks, for most of the time they can't afford the rent. Also lots of the people have to pay more for food stamps than I do.

The farmers and the city and county commissioners here just don't care about the migrants, since they get all their work done. They want them to just pack up and leave until they need them again, and lots of them are just too old to travel around now.

Oh, yes, I shouldn't forget the piece work that we are supposed to make so much money doing. If you can pick 12 boxes of oranges, they will pay you about $3. Most people might make $6 or $7 a day.

I don't know if anything I say will ever do any good, but God knows I have tried and I will continue to do so as long as I am able, for it might help someone that needs help and especially the children.

[From the Atlanta, Ga., Constitution, May 2, 1972]

Migrant Children's Food Plan Blasted

Washington.—An authority on hunger programs told Congress Monday that the feeding of migrant children is foundering on inefficiency, mismanagement, and "a pervasive insensitivity to the needs of poor children."

Marvin Levin, who resigned from the Agriculture Department last week as a "matter of conscience," said feeding programs actually handica,) efforts of other agencies to help the poor and the hungry.

During the testimony, Sen. Adlai Stevenson III, Democrat-Illinois, remarked that President Nixon might be better advised to visit some school lunch programs "instead of going to cookouts with Texas millionaires to assure them the oil depletion allowance will be retained."

Stevenson referred to Nixon's weekend visit with Texans at the ranch of Treasury Secretary John B. Connally.

Levin's and Stevenson's remarks came at a joint hearing of the Senate Subcommittee on Migratory Labor and the Select Committee on Nutrition and Human Needs.

Levin said "Other Federal agencies, responsible for other, nonfood aspects of a migrant child's life, are forced to divert large portions of their budgets—for example, education—into food assistance."

He estimated these diverted funds may account for as much as 10 percent of the budgets for children of migrant laborers maintained by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor.

The USDA's Food and Nutrition Service, he said, has no systematic planning and "its resources are needlessly dissipated."

In one case, he said, the service is still trying to learn the costs of last year's summer programs but can't because someone lost the computer tapes.

[From the Palm Beach, Fla., Post, May 10, 1972]

Director Tells of Aid Waste—Migrant Program Report

(By Dean Jones, Post staff writer)

Belle Glade.—The food stamps program sales director for western Palm Beach County agreed yesterday with a report showing emergency assistance for South Florida farmworkers last year was largely wasted.

Director Robert Varner, who was commodities supervisor in March 1971 when the area was designated a disaster area, said the program "was definitely a shambles."

A U.S. General Accounting Office (GAO) review of the emergency relief program, recently released by U.S. Representative Paul Rogers (Democrat-Florida) reported Federal assistance to 30,000 people from March 1 to April 30, 1971, cost approximately $9 million.

Rogers asked the GAO to review the program when he received numerous complaints that it was not being operated as planned.

Aid received included food stamps, commodities, and public works jobs funded under the Department of Labor's Operation Mainstream.

Rogers said the report substantiated allegations that improper unemployment assistance payments were made and that the State agency placed reliance upon unverified information provided by the applicant in determining eligibility for payment.

He also said persons employed in the operation mainstream program continued to receive unemployment compensation and that food stamps and commodities were issued to many persons who didn't qualify.

Varner said he and other commodities supervisors in Dade and Broward Counties knew what was going on and asked for a GAO review of the situation.

"The Government sent 15 to 20 people down here who were driving Lincolns and living in motels," Varner said. "They told us not to bother with records.

"I saw people who were working at jobs who were also getting food stamps, checks, commodities and any other kind of benefits they could get," Varner said "but the government people told us we were to serve the people and not to worry about records.

"People were coming down from the U.S. Department of Agriculture," he said, "and special aides to President Nixon were coming down as well as nutrition experts who were telling us what we ought to eat.

"There was quite a turnover in the supervisory personnel," he said. "I think a lot of them just decided to come down because they wanted a Florida vacation."

Varner said his office distributed enough food to feed 90,000 people during the emergency period, with a number of people coming through the lines several times.

He said anyone could have received food stamps or commodities at the time, whether or not they were employed and regardless of how much money they were earning.

"It was a complete waste," Varner said.

"We saw what was happening and we knew our records were a shambles but there was nothing we could do. The supervisors from Washington just took over.

"There were farmers," he said, "who were advertising for workers, willing to pay $2.50 an hour, and they couldn't get labor. We posted ads like that every day but they were ignored.

"After it was all over," Varner said, "we were left with a tremendous amount of records we couldn't trace. We wanted to be let off the hook so we asked for this investigation and I think this report does that."

Representative Rogers said there should have been closer coordination between State and Federal agencies during the emergency and a greater advantage should have been taken of the nonprofit migrant labor assistance programs already existing in south Florida.

"The GAO report gives consideration to the fact time was of the essence in implementing the emergency assistance," Rogers said, "and as a result, adequate controls may have been difficult to implement.

"I can understand that initially this would be the case," Rogers said, "but I do believe that as the program became more fully operative, efforts could have been made to correlate agency activities and verification of claims."

Rogers said he is having copies of the report mailed to Governor Reubin Askew and the State Departments of Commerce and Health and Rehabilitative Services.

He is also having copies sent to the U.S. Departments of Labor, Agriculture, and Health, Education, and Welfare as well as the U.S. Office of Emergency Preparedness.

"I will urge these agencies to change their emergency procedures in order that efficiency and duplication of services can be avoided in future emergency as these efforts," he said.

Probing Federal "Form Pollution"

Just going into business today is a frightening bookkeeping task: Even the smallest corporation must fill our form 1120, with its 19 different schedules, to report its income. A partnership must complete form 1065 with 13 schedules.

A survey by the Christian Science Monitor turned up cases of sole operators of small businesses, or husband-wife proprietors, who wanted to hire help—but didn't simply because of the massive addditional paperwork which would be required.

An especially provocative survey finding: A small hospital, operating in a sparsely populated section of the west coast where there were no other such facilities to serve the injured or ill, was considering closing its doors—simply because of the nuisance of having to deal with "no less than 23 governmental agencies."

Senator Thomas McIntyre (Democrat-New Hampshire) who chairs the investigating subcommittee deplores the Federal Government's "form pollution" not only for the unconscionable waste—but also because of the "worry, frustration, bitterness, and resentment" caused to the smallest (especially) of the 5.5 million small businesses in the United States. He also points out that there harassed small businesses employ nearly half—45 percent— of all employed Americans.

This point is well taken; but the implications appear even deeper. The waste in proliferated forms is doubtlessly at least a contributing cause to the graver waste in ineffectual and duplicated programs. How can clear decisions be made under clouds of confusion?

Let it be hoped that the McIntyre subcommittee probes deeply. But let it also be remembered that this is a matter of greater significance than the jurisdiction of one small subcommittee—it demands the attention of the whole Congress and administration and could, indeed, well become a major national issue.

For a quick glimpse of bureaucracy in a nutshell, consider the case of the Federal official in charge of feeding migrant children, who quit his job in frustration: He claimed the children weren't being fed as, instead, experts wrote letters costing "as much as $2,000" trying to explain why the children weren't being fed.

To those direct-action types, who would point out that a few $2,000 letters could furnish a lot of meals for hungry children, let it quickly be pointed out—that isn't the way Washington works.

Similarly, consider the Federal highway official who bewailed, in recent congressional testimony, that time lag in beginning Federal highway construction (between the initiation of a project proposal and the actual pouring of concrete) had become as much as 13 years.

"Perhaps with longer study," the official sarcastically suggested, "the problem might disappear. The towns to be served by the proposed highway might die away * * *."

Such reports as this, however, may be insignificant compared to the "horror stories" on tap as the Senate Subcommittee on Government Regulations this week started hearing protests from businessmen, on the endless proliferation of Federal redtape.

Big business, with its vast accounting departments, and so forth, is at least better geared to handle the demands of endless Government reports. But small

businessmen are required to fill out an average of 75 forms a year, usually lengthy and often in duplicate or triplicate.

Four years ago (it would be even higher today) a Government Service Administration study placed the cost of Federal paperwork—printing, shuffling, and storing all required forms—at a staggering $18 billion a year. But this was only the half of it—for it cost businessmen at least that much to fill out all the forms and return them to the Government.

[From the Washington, D.C., Post, May 2, 1972]

Food Unit Accused of Inefficiency

(United Press International)

An Agriculture Department official who quit his job out of frustration testified yesterday that the agency in charge of feeding migrant children is so enmeshed in redtape the cost of merely preparing a letter ranges from $55 to $2,000.

At a Senate hearing, Martin Levin, who leaves today to help feed the hungry in Bangladesh, offered a sharp critique of the operations of the Child Nutrition Division.

"I know of no plot to promote the continued hunger of migrant and other needy children," he said. Rather, he recited what he termed "an account of bureaucratic inefficiency, of mismanagement, of ineptitude, of a pervasive if not conscious insensitivity to the needs of poor children and the demands imposed on those who hope to feed them."

One reason for the high cost of writing a letter, he said is that "employees earning $16,000 to $20,000 in salaries frequently spend more than half their time proofreading letters written by staff members—a task which could be performed by a good secretary."

Levin said local civic groups sponsoring programs to feed migrant children must receive the approval of as many as 11 State and regional offices. One group, required to file forms with seven agencies, received the approval of a sixth but not the seventh so its program was not funded.

[From the Washington Daily News, May 3, 1972]

What Happens When a Giant of Industry Trys To Treat Its 1,000 Migrant Workers Humanely—The Coke Plan

(By Judy Flander)

Houston.—"You may walk in the mud but you have to keep your head in the stars," is the philosophy of Donald R. Keough, 44, the president of Coca-Cola Foods Division, who is in charge of a rare experiment in human relations with migrant workers—who not only walk in the mud but whose reality is grim and without hope. In the past 2 years, the Coca-Cola Co. has given year-round jobs to 500 of the 1,000 migrant workers who pick oranges and lemons 7 months a year in the 30,000 acres of citrus grove the company acquired when it bought the Minute Maid Corp. in 1960. These people lived in company shacks during the harvest season, then moved across the country picking peaches and tomatoes, cherries and apples, from the Carolinas to New York. Their children, who worked in the groves with them, received little schooling and there was no such thing as a holiday.

FORTUNATE FEW

Now a fortunate few—there are 250,000 migrant workers in the United States, 80,000 of them in Florida alone—do cultivating and maintenance when the harvest season is over, and get medical and life insurance, retirement plans, paid vacations and holidays. "They're full-fledged employees of the company with the same benefits and opportunities I have," said Mr. Keough. Coca-Cola hopes eventually to have all its 1,000 migrant workers on a permanent basis. Meanwhile, it has given medical and health benefits to those who stay on the move and, last fall, transported a number of them in company trucks to and from New York where they worked during the apple harvest.

The permanent work force is paid a weekly wage plus piece work which has enabled more than 100 families so far to buy new homes on a beautiful lake site

purchased for them by Coca-Cola, Lakeview Park near Frostproof, Fla. The company had to spend $40,000 for a water treatment and sewer system because the town of Frostproof refused to extend its services to Lakeview.

So far, Coke has poured $3 million into its agricultural labor project. The money subsidizes medical programs, a day care center, adult education classes and a community center. But Mr. Keough emphasizes that the project "is not a welfare plan." There are four community boards, consisting entirely of workers who are encouraged to run all the facilities and are being taught how to obtain Government money for various programs. It is Coca-Cola's dearest wish that its migrant workers will become self-sufficient and won't need the company anymore.

The workers—about 15 percent Chicano, 65 percent black and the rest white—are making the adjustment from a nomad life with alacrity and a certain amount of awe.

"LIKE A BIRD"

"I used to feel like a bird, I'd light in a tree," one of them told Mr. Keough, while another said, just as poetically, "For years all I had to look forward to was to climb up ladders and eventually to climb down ladders." Now their children are attending Florida schools or the company day care center instead of working in the groves. Children under 16 are no longer allowed to pick fruit.

Why did it take 10 years for Coke to get around to doing something for its migrant employees? That's a question Congress wanted answered, too. Even while Coca-Cola was making its initial plans in 1970, an NBC documentary, "Migrant—an NBC White Paper," singled out Coke as a blatant example of all that is wrong with Florida's migrant workers. Former Coca-Cola President J. Paul Austin, called to testify before the Senate Subcommittee on Migratory Labor, explained that he had not been aware of the special problems of migrant workers until 1968 when he began reading "about the crusade of Cesar Chavez (president of the United Farm Workers) in California."

Mr. Austin thereupon sent J. Lucian Smith, now president of Coca-Cola, to Florida "to make certain that workers in our groves were not living in the sub-standard conditions that Mr. Chavez described. . . ."

Mr. Smith found that things were, indeed, very bad. Mr. Austin next sent a task force from Scientific Resources, Inc. (SRI) of Union, N.J., to study the situation and tell him what to do about it. SRI's recommendations eventually became known as "the Coke plan," and a Coca-Cola personnel executive and vice president of the foods division, William Kelly, was sent to Florida to carry it out. Mr. Kelly is still there. "He's our most visible man involved in this activity," said Mr. Keough.

Mr. Keough inherited the project when he became president of the food division in January of 1971, and he talks about it with obvious pride and pleasure.

THREE-YEAR CONTRACT

On March 1 of this year, Coca-Cola signed a 3-year contract with the UFW which Mr. Keough describes as "fair and good for the company, the workers, and the union." He stressed that strikes and bitterness did not proceed the signing as it did with some firms in California.

The project is still not without its detractors. Some claim that too few are being served. Others think that Coke has spent too much money to make the project a feasible example for other growers to emulate. And not a few wonder how long the company will pour money into its "Coke plan."

Still, no one else except Cesar Chavez and his union has done anything ever for the migrant worker. If the Coca-Cola company is not pointing out the exact route, it is at least demonstrating that migrant workers respond to being treated as human beings, just like the rest of us.

JULY 5, 1972.

Mr. HENRY M. RAMIREZ,
Chairman, Cabinet Committee on Opportunities for Spanish-Speaking People, Washington, D.C.

DEAR MR. RAMIREZ: I was most interested in your recent comments about the success of Department of Agriculture food and nutrition programs in meeting the needs of the Spanish-speaking population.

As chairman of the Migratory Labor Subcommittee, I recently heard testimony from an official of the Department of Agriculture, Mr. Marvin Levin, stating that the needs of migrants are still not being met. I am enclosing a copy of that statement.

Could you please tell me to what extent the issues and problems raised by Mr. Levin have now been resolved. Your immediate attention to this matter would be greatly appreciated.

With best wishes.

Sincerely,

ADLAI E. STEVENSON III,
Chairman, Subcommittee on Migratory Labor.

[News Release]

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE
OFFICE OF PUBLIC AFFAIRS AND INFORMATION

DEPARTMENT OF AGRICULTURE SUCCESSFUL IN IMPLEMENTING CABINET COMMITTEE'S GOALS

USDA TO EXPAND SCHOOL LUNCH PROGRAM, ASSIST SPANISH-SPEAKING BUSINESSMEN, AND OFFER BILINGUAL INFORMATION

Contact: J. Raul Espinosa (202) 382-6601 Office (703) 892-4352 Residence.

"Every State will have a positive outreach plan outlined in its food stamp plan of operation by July 1," said Assistant Undersecretary of Agriculture Richard Lyng at a recent meeting with Henry M. Ramirez, Chairman of President Nixon's Cabinet Committee on Opportunities for Spanish-Speaking People.

Lyng, with a delegation from the Department of Agriculture (USDA), met with Chairman Ramirez to discuss the recent progress of the Food and Nutrition Service (FNS) and their work with Spanish-speaking communities.

Since 1968, the number of needy children receiving free and reduced price school lunches has increased from 2.9 million to 8.3 million in 1972. Lyng attributed the increase to "a dramatic expansion in the amount of funding allotted to the program. The department's budget has increased from $539 million for fiscal year 1968 to $4.1 billion for fiscal year 1973."

More than one half of USDA's family food assistance participants are from ethnic groups, including 13 percent Spanish speaking.

USDA, as a result of President Nixon's directive to Cabinet Committee members to aid the Spanish speaking in 1971, and the establishment of his 16 point program, has placed an increased emphasis on aiding the Spanish speaking. Juan del Castiilo has been appointed Director of the Food Distribution Service. With the Cabinet Committee, he is arranging a series of 12 seminars to aid Spanish-speaking businessmen obtain Federal contracts for fast food operations. The first of these seminars took place on May 19 in San Antonio, Tex. Others are to follow.

Agriculture now has a list of 31 publications in Spanish which deal with the elements of the balanced diet. Mr. Ramirez said, "Many Spanish-speaking children do not learn in school as easily as their Anglo counterparts because they do not have the proper diets."

"With food stamps," he added, "needy Spanish-speaking people can improve their health and in turn be more fit, both physically and mentally, to handle education and job training."

Over 209 radio and TV stations presently receive tapes from USDA on national school lunch programs. USDA has also provided fact sheets designed to emphasize the civil rights aspects (fair hearings procedure) of food assistance in a bilingual format.

Another innovation by USDA is the printing of food labels and directions in both Spanish and English. This enables the Spanish-speaking American who is not totally at ease with the English language to be sure of what he is buying and the method of preparation. This program, now only in its initial stages, is scheduled for expansion in upcoming months.

In the past 4 years, the food stamp program has increased in outreach by almost 8 million people. Food programs have reached a point now where they are available in every county in the Nation except eight (three in Colorado, and one each in Missouri, Montana, Nebraska, Oklahoma, and Texas).

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., August 25, 1972.

Mr. HENRY M. RAMIREZ,
Chairman, Cabinet Committee on Opportunities for Spanish-Speaking People, Washington, D.C.

DEAR MR. RAMIREZ: Secretary Butz has asked us to thank you for your recent letter which requested urgent consideration of issues relating to food assistance for migrants and for their children in particular.

We are enclosing our detailed comments on each of the recommendations outlined, together with a sampling of materials which contribute to our continuing efforts to meet effectively the food needs of migrant and Spanish-speaking groups.

We share your concern; if we can provide you with further information, please let us know.

Sincerely,

HOWARD P. DAVIS,
Acting Administrator.

Enclosure.

The points raised for consideration will be covered in the sequential order in which they were presented.

1. Categorization (by the Food and Nutrition Service and the Department of Agriculture) of migrants as a special target group.

To categorically certify all migrants as a special group automatically eligible for family food assistance and free lunches would necessitate a change in the law. For example, Public Law 91-248 mandated that the determination of eligibility for free lunches be based on family income, the number in the family unit, and the number of children attending school or service institutions. The law further provides that family income be reported on an affidavit (application) executed by an adult member of the household. Consequently, the law has necessitated the implementation of a documentation procedure which requires families to report income.

We would like to say, however, that Food and Nutrition Service personnel, on recent field monitoring activities, have seen that State and local-level officials do consider the migrant as a special target group. In schools, for example, school officials do identify the migrant child as such; and, as a result, more often than not, he is provided free meals under all Department child nutrition programs.

Likewise with our family food assistance programs, we are continuing in our efforts to make them more responsive to the needs of the migrant. Following are examples of this effort in our food stamp program:

(*a*) Translation of publications into Spanish (see attachment A).

(*b*) Use by States of volunteers to help migrants complete applications and establishment of itinerant certification and issuance offices convenient to the migrant population.

(*c*) Free food stamps for the very poor.

(*d*) Mandatory outreach programs by State agencies in accordance with FNS Instructions which specifically direct States to give "due respect to ethnic groups."

(*e*) A provision that food stamp eligibility be retained for 60 days after a household moves from one food stamp area to another.

2. All-inclusive certification of migrant children for eligibility for school lunch programs, school breakfast programs, and special food service programs under title I.

If schools are designated as title I target schools, then they should be getting additional consideration from State school lunch directors for more special assistance money to cover free lunch costs for migrants. Also, title I moneys are still used at the discretion of State and local title I directors for food service to migrants, However, the Department of Health, Education, and Welfare and this Department have urged the use of title I moneys for educational programs instead of food programs and have accelerated the displacement of such funds with USDA funds.

3. Pursual of adequate methods to serve migrant children year round regardless of their location or the number of times their location changes.

Schools within the migrant stream are generally accustomed to the sporadic comings and goings of the migrant family. Their arrivals are anticipated and in most schools a system has been established to handle this situation. Applications for the school lunch program are made available along with other required registration forms for new pupils. In most cases, the migrant child is given almost immediate access to the free lunch program.

For the most part, the migrant child is in school in the fall, winter, and into early April. Generally, it has been observed that they are not attending school is they undertake their spring migration.

We can safely say that, while the migrant child is in school, he is being reached; and that approximately 90 to 95 percent of the migrant children receive their lunches free or at a reduced price.

Further, the 1971 amendment to the Food Stamp Act of 1964 provides that food stamp eligibility may be retained by a household for 60 days after it has moved to a new food stamp location. This provision was aimed specifically at migrants. In addition, all new applications for food stamps must now be processed within 30 days.

4. Specific program development to attract migrant children, especially the development of specialized Mexican variety menus by USDA Technical Service Staff.

In order to give more emphasis to ethnic recipes and menus, the Food and Nutrition Service is starting an ongoing program to work with Mexican-Americans in developing quantity recipes acceptable to Mexican-American schoolchildren. This is in addition to the menu suggestions already included on the recipe cards in "Quantity Recipes for Type A School Lunches" provided free to all schools in the national school lunch program. This file includes several standardized Mexican-American recipes.

So that cultural preferences can be considered, menus for schools are generally prepared at State, county, and local levels. Copies of materials from New Mexico and Colorado are included in the attached kit of materials (see attachment B).

For the family food assistance programs, recipes have recently been developed for the protein-fortified tortilla flour (similar to Masa Harina) that is being considered for donation. A copy of the recipes is in the kit.

More family-sized, Mexican-American recipes will be developed this year as the Food and Nutrition Service starts a program to work directly with Mexican-Americans in developing recipes that will be acceptable to their families. In addition, a regional cookbook is to be published this year that will include recipes and food-use suggestions sent in from Mexican-Americans using donated foods.

Publications which are designed for use in USDA's food programs, such as "The Good Foods Coloring Book," recipe leaflets, and the "Daily Food Guide," are translated into Spanish. These materials are available free for Mexican-American families using donated foods or food stamps.

FNS has funded a project titled "nutrition education program with focus on migrant children and their mothers" in conjunction with the Whatcom-Skagit Rural Opportunities Council in Mt. Vernon, Wash. Its objectives are: (1) To implement a nutrition education program for Mexican migrant children with respect to their culture and food patterns and stresses the basic four, and (2) to implement a consumer and nutrition education program for migrant childrens' mothers using the same principles of nutrition taught to their children in the day-care centers.

One special feature of the project is the development of a Basic Four Food Group Chart, developed by their Mexican Woman's Advisory Council, that illustrates foods indigenous to their culture. After the chart is tested with the children and mothers in the program this summer, the Department hopes to make it available for use nationally. It will aid in relating the foods these children eat at home with those that are served in the child nutrition programs at school.

In 1971 USDA sponsored five regional seminars for school food service personnel on nutrition education. One area of emphasis in several of the seminars was the planning and preparation of lunches and breakfasts which appeal to children of all ethnic groups. Particular emphasis in the West and Southwest was placed on the development of menus which appeal to Mexican-American children.

During fiscal year 1972 the Department distributed about 42.2 million pounds of pinto beans through its food assistance programs in an effort to cater to the preference of special groups. We are presently examining the possibility of providing tortilla flour.

The new labels for donated foods carry the Spanish name for each item (see attachment C). Information in Spanish appears on labels of all foods requiring reconstitution or mixing. Similarly, some labels show recipes in Spanish and, where space permits, bi-lingual storage instructions. Furthermore, to benefit recipients who cannot read English easily, the new labels bear illustrations which depict the enclosed food in a color which corresponds to that of the food.

While the above program developments have, or will have, national impact, there are also a number of developments at the local level that can be pointed out.

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In Michigan, a summer program title I director employs a Mexican-American food service director for the food service program. Each year this woman travels from Texas where she works as a cook during the regular school year. The woman trains the regional cooks to prepare foods in the style accustomed to the migrant child. She even had prepared a loose-leaf style cookbook containing her recipes.

In Texas, a number of examples can be given. One interesting case of a program aimed specifically at Mexican-American migrant schoolchildren is the Central School at McAllen, Tex. The three campuses of this school offer an accelerated program which permits about 1,000 migrant children to finish the school year in 7 months through extended school days. The school lunch program and the school breakfast program are available to the children, most of whom receive their meals free.

In Weslaco and Mission, Tex., financial and technical assistance were provided for new school food service facilities. The new facilities will provide service to approximately 12,000 children with 80 to 90 percent of them eligible for free or reduced price meals. Most of these children are Chicanos and many are migrants. The financial condition of both school districts made it impossible for the districts to finance buildings and equipment for school feeding purposes. However, through a remarkable cooperative venture among six Federal agencies, local school, community, and State officials, has this project been realized. In addition to the original cash and technical assistance provided by USDA for the food service equipment, the Department will provide continuing support to the food programs with cash and donated foods.

In Virginia, a State school lunch nutritionist has cooperated with the title I summer programs by developing menus especially suited to the migrant children. The nutritionist has taken special steps to insure that the fruits and vegetables harvested by the migrant parents are on the menus. Children are made aware of the importance of their parents' work.

5. Expansion of the number of variety of schools and institutions which may facilitate the operation of above-mentioned (see number II) programs in order to insure responsiveness of Federal nutrition service programs to migrant needs.

The Department is currently engaged in a major effort to extend the child nutrition programs to all schools currently without food service. A three-pronged effort is involved. By law, participation in the programs is voluntary on the part of local school authorities; and the Department and States are trying to show that, with current Federal funding and technical knowledge, there are no reasons for schools not to participate.

With regard to service institutions which can reach preschool migrant children all year and school-age migrant children in the summer, expansion efforts will depend on the following factors:

(a) The authorization for the program is currently scheduled to expire next June, and the administration and the Congress are looking closely at the program at this time. Sufficient program funds are not currently available to expand year-round activities under the program in all States; however, this situation is being given particularly close consideration to see if immediate action should be taken.

(b) The involvement of more organizations to act on the migrant's behalf in the summer when he leaves his home base.

6. Coordination of FNS with other Federal and State migrant programs to more efficiently serve migrant needs.

We have established liaison with a number of Federal agencies involved with migrant services; that is, Migrant Division, OEO; Migrant and Indian Headstart, Office of Child Development; title I Migrant, HEW; Census Bureau. We have met with these people on numerous occasions to exchange program information seeking the means to assist one another in our mutual goal. For example, the Migrant Headstart Division of OCD provided us with the names and locations of all their grantees. We were able to determine for OCD that, except for one program, all migrant Headstart programs were receiving USDA assistance for food and nonfood items.

We have visited with six State migrant directors on two recent, factfinding trips. We have traveled with their individual staffs quite extensively. They are aware of USDA's concern to improve the effectiveness of child nutrition programs for the migrant child.

7. Continued program of data collection to aid in rendering maximum service to migrant children and adults.

The family food assistance programs require semi-annual reports from the State agencies on the racial/ethnic participation in these programs. While these reports do not specifically isolate the migrant population, they do indicate the number of

Spanish-Americans participating in these programs. The latest available information shows that 8.2 percent of all persons participating in the family assistance programs are Spanish-American. Also, field reports indicate areas with substantial migrant participation and alert the Food and Nutrition Service to any problems which may affect the migrants.

Through new administrative review requirements, the Department has started to collect racial/ethnic participation data for the child-feeding programs. In addition, FNS has stepped up efforts to collect data on migrant participation in the Department's child nutrition programs. Through cooperation with OEO, Migrant Division, the migrant State plans of operation have been made available to USDA for analysis and for statistical gathering purposes. We have during visits by FNS personnel to four major home-base States and several receiver States, gathered data to augment the growing data base on mirgrant schoolchildren maintained in the Food and Nutrition Service.

8. Effective monitoring and evaluating procedures to insure the implementation of actions taken on the recommendations mentioned above.

The foregoing responses to your recommendations give evidence of actions underway to monitor and evaluate our programs for migrants. The attached material also attests to the efforts being made to attract these groups and to help them with effective food assistance wherever they may be.

APPENDIX III

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE
WASHINGTON, D.C. 20250

APR 16 1971

NOTICE

Public Law 91-671, enacted January 11, 1971, makes significant reforms in the Food Stamp Program and provides the Department of Agriculture with a welcome opportunity to achieve the President's landmark goal of May 1969 to eliminate hunger in America for all time.

Because of the far-reaching effect of this new law we are departing from our usual practice, in preparing related regulation revisions, to obtain the comments and suggestions of a broad spectrum of interested parties. These comments and suggestions will receive full consideration before the regulations are issued in final form.

Accordingly, we are attaching for your review the proposed revisions of the Food Stamp Program regulations, drawn to meet the requirements of Public Law 91-671.

We welcome your comments and appreciate your working with us toward the goal of improving the nutritional level of all needy people.

Edward J. Hekman
Administrator

Attachment

Page 80 - blank page

UNITED STATES DEPARTMENT OF AGRICULTURE

Flower WO 2-1821
McDavid DU 8-4026

Washington, April 15, 1971

USDA Issues Proposed New Food Stamp Regulations:

The U.S. Department of Agriculture today proposed new regulations for its Food Stamp Program to implement amendments to the Food Stamp Act enacted in Public Law 91-671.

Concurrent with the proposed regulations, USDA also announced national uniform income eligibility standards and new issuance tables which spell out how much participants pay for their food stamp allotments.

Public comments are invited on the proposals, which will be published in the Federal Register on Friday, April 16, 1971. (Income eligibility standards and issuance tables for Alaska and Hawaii will be in the Register Saturday, April 17.) Written comments may be mailed or delivered by Monday, May 17 to James E. Springfield, Director, Food Stamp Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Individual copies of the Federal Register containing the proposed regulations may be purchased for 20 cents each from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Specify the date of the desired issue.

Highlights of the proposals announced today are --

Income and resources: Eligibility for the Food Stamp Program will be determined according to uniform national standards set by the Secretary of Agriculture. Standards for Alaska and Hawaii have been adjusted in accordance with the separate poverty guidelines established for those States.

5720

USDA 1215-71

Monthly maximum income eligibility levels are:

Household size	48 States and D.C.	Alaska	Hawaii
1-person	$160	$200	$184
2-person	210	262	242
3-person	293	366	337
4-person	360	450	414
5-person	427	534	491
6-person	493	616	567
7-person	547	684	629
8-person	600	750	690
Each additional Person	Add $53	Add $66	Add $61

The standards apply to all households, including those receiving public assistance.

Resources other than income, such as savings accounts, negotiable securities and certain property, would be limited to $1500 per household, plus an additional $1500 for households of two or more containing a member 65 years of age or over.

Excluded from resources are the value of such items as a home, household goods, car, personal effects, cash value of life insurance policies, income-producing property, and tools and machinery essential to self-support. However, resources would include such other types of nonliquid assets as buildings, land, or other real or personal property, at fair market value.

Food Stamp allotment: Allotments of food stamps would continue to be geared to cost of the economy diet, with the amount of money paid by households not to exceed 30 percent of income. There would be no payment required from one and two-person households with incomes under $20 per month, or from all other households with incomes under $30.

Under the new law, participants may elect to have their payments for food stamps deducted regularly from money they get under any federally-aided public assistance program. Households would also be able to elect, at time of issuance, to receive three-quarters, one-half, or one-quarter of their monthly food stamp allotment, with their payment adjusted accordingly. If a family chooses less than its full allotment during any purchase period, it would not be permitted to return later for the balance, for that period.

Examples of monthly allotments and amounts to be paid by recipients in the 48 contiguous States and District of Columbia:

For a Household of:	1-person	2-persons	4-persons	6-persons
Food Stamp Allotment:	$ 32	$ 60	$ 108	$ 148
	Purchase Requirement			
Net Income				
$ 0 - 19.99	0	0	0	0
20 - 29.99	1	1	0	0
100 - 109.99	18	23	25	27
150 - 169.99	26	36	41	43
190 - 209.99		48	53	55
250 - 269.99			71	73
290 - 309.99			83	85
330 - 359.99			95	97
450 - 479.99				133

NOTE: Because food costs are determined to be significantly higher in Alaska and Hawaii, food stamp allotments are greater than those of other States shown above. Separate issuance tables for Alaska and Hawaii will be published in the Federal Register Saturday, April 17.

Hardship allowances: In determining eligibility for the program and the amount of money the eligible household is to pay ("purchase requirement") for its allotment of food stamps, a net income figure is determined by deducting certain "hardship" allowances from the total money coming into the household.

The proposed regulations would permit deductions for shelter costs that exceed 30 percent of income, medical payments in excess of $10 per month, and child care costs necessary for a household member to accept or continue employment, and unusual expenses resulting from disaster or casualty losses. Payments on business-related land or equipment by the self employed would not be deductable, nor would educational expenses of students.

Household definition: All members of a household under 60 years of age must be related by blood, affinity, or other legal relationship sanctioned by State law, in order for the household to be eligible for food stamps. Foster, adopted and other children under 18 years old may be in the household. Also, an unrelated roomer or boarder is not considered part of the household, and will not disqualify the household from the Food Stamp Program.

Tax dependents: No household could be alloted food stamps if it has a member over 18 years old who is claimed as a dependent for Federal income tax purposes by a member of another household which itself is not eligible for either food stamps or USDA donated foods.

Work registration: The proposed regulations set work registration as part of the application process and subsequent recertifications for food stamps, if the household has an able-bodied member between 18 and 65, unless that member is: (1) responsible for the care of dependent children under 18 or of incapacitated adults, (2) a student enrolled at least half time in any school or training program recognized by any Federal, State or local government agency, (3) working at least 30

hours per week. The work registration form is to be forwarded by the food stamp certification office to the State or Federal employment office for the area. For the household to be eligible for stamps, the registered member or members of the household must cooperate in seeking, and accept employment of a type and in a location reasonably consistent with physical and mental fitness, with consideration of transportation costs and commuting time, and at wages, including piece-rate basis, that are the highest of applicable Federal and State minimums or other authorized Federal regulations, but in no case less than $1.30 per hour. The registrant would not be required to join, resign from, or refrain from joining any recognized labor organization as a condition of employment, nor accept work offered at a site which is undergoing a strike or lockout.

Meal Service: Elderly participants who are so disabled or feeble that they cannot adequately prepare all of their own meals, may use food stamps to pay for "meals on wheels" delivered to them by non-profit meal services, if available. The delivery services would be authorized to redeem stamps by USDA's Food and Nutrition Service similarly to retailers and wholesalers.

Dual food assistance: When a Food Stamp Program opens in a county or city that has been distributing USDA donated foods, both programs would be permitted at the State's request for a transition period up to three months. Both programs could be operated permanently provided the national eligibility standards are used for both programs, together with adequate controls to prevent double participation by the same household. "Operating expense funds" which are available to the States from USDA for family food donations could not be used for such permanent dual operations, however.

(more)

The proposed regulations also --

• Contain provisions aimed at eliminating abuses of the program. In addition to the new household definition and the tax dependency requirement, mandatory "quality control" plans are to be part of each State's Food Stamp Plan of Operation, and misuse of "authorization to purchase" cards (the document households get when certified for participation, commonly termed ATP cards) is to be subject to the same penalties as unauthorized issuance and use of the food stamp coupons themselves.

• Modify present "fair hearing" procedures so that applicants who are improperly denied benefits and subsequently gain them at a hearing receive credit at state expense toward their purchase requirement to the extent that benefits were denied, and that households overcharged because of improper certification receive cash repayments.

• Permit continued eligibility of a certified household for 60 days following a move from one food stamp area to another, provided the household circumstances remain the same.

• Require each State to develop an "outreach" program to be approved by FNS as part of the State Food Stamp Plan of Operation.

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Food Research and Action Center

423 WEST 118TH STREET
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RONALD POLLACK
DIRECTOR

STEPHEN ELIAS
DEPUTY DIRECTOR

January 26, 1971

To all those concerned with farm workers and the Food Stamp Program:

Due to the recent passage of amendments to the Food Stamp Act, USDA is in the process of writing new regulations. This offers interested groups the opportunity to make recommendations as to what the regulations should include. Clearly, since farm workers have never significantly benefitted from the Food Stamp Program, suggestions for revising the regulations so that the program will function for farm workers are necessary.

Enclosed:

1. A set of 11 suggestions for revision of the Food Stamp regulations. With each of these is an explanation of what legal basis there may be for its revision and the problems which it would attempt to alleviate.

2. A proposal for a uniform, national procedure for annual certification of farm workers. The regulations will not deal directly with such a procedure, although a number of the suggested regulation revisions will allow for it. Once the regulations are published, USDA will probably be in the market for a feasible annual [illegible] rication procedure.

These papers were drawn up on the basis of information received from you and many others concerning the problems farm workers have in using the Food Stamp Program as currently administered. Consider these two papers as beginning drafts of final proposals which will be made to USDA. Because these were written with a limited amount of information, we would appreciate any suggestions, criticisms, additions, etc., which you can make so that they will in the end adequately reflect the situation of farm workers and would, if adopted,

provide the best possible Food Stamp Program from the farm workers point of view. Please consider these proposals from whatever angle you wish: the need for organizing tools or legal tools, problems/administrative red tape and logistics, or whatever.

We would also ask that you seek suggestions from other organizations or individuals who have knowledge of the farm worker's problems with the Food Stamp Program. Because it is important to make our recommendations as quickly as possible to USDA, it would be helpful if you could return your comments to the Columbia Center within a week. We will then revise our proposals and send you a copy.

Thanks for the help.

Bread and Justice,

Kathy Landrey

Kathy Landrey

AMENDED FOOD STAMP ACT* (underlined portions indicate the recent amendments)

Declaration of Policy

Sec. 2. It is hereby declared to be the policy of Congress, in order to promote the general welfare, that the Nation's abundance of food should be utilized cooperatively by the States, the Federal Government, local governmental units, and other agencies to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households. The Congress hereby finds that the limited food purchasing power of low-income households contributes to hunger and malnutrition among members of such households. The Congress further finds that increased utilization of food in establishing and maintaining adequate national levels of nutrition will promote the distribution in a beneficial manner of our agricultural abundances and will strengthen our agricultural economy, as well as result in more orderly marketing and distribution of food. To alleviate such hunger and malnutrition, a food stamp program is herein authorized which will permit low-income households to purchase a nutritionally adequate diet through normal channels of trade. [7 U.S.C. §2011]

DEFINITIONS

Sec. 3. As used in this Act --

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "food" means any food or food product for human consumption except alcholic beverages, tobacco, those foods which are identified on the package as being imported, and meat and meat products which are imported.

(c) The term "coupon" means any coupon, stamp, or type of certificate issued pursuant to the provisions of this Act.
(d) The term 'coupon allotment" means the total value of coupons to be issued to a household during each month or other time period.

*The preamble states: AN ACT -- to strengthen the agricultural economy to help to achieve a fuller and more effective use of food abundances; to provide for improved levels of nutrition among low-income households through a cooperative Federal-State program of food assistance to be operated through normal channels of trade; and for other purposes.

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(e) The term "household" shall mean a group of related individuals (including legally adopted children and legally assigned foster children) or non-related individuals over age 60 who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common. The term "household" shall also mean (1) a single individual living alone who has cooking facilities and who purchases and prepares food for home consumption; or (2) an elderly person who meets the requirements of section 10(h) of this Act.

(f) The term "retail food store" means an establishment, including a recognized department thereof, or a house-to-house trade route which sells food to households for home consumption. It shall also mean a political subdivision or a private nonprofit organization that meets the requirements of section 10(h) of this Act.

(g) The term "wholesale food concern" means an establishment which sells food to retail food stores for resale to households.

(h) The term "State agency" means the agency of the State government which has responsibility for the administration of the federally aided public assistance programs.

(i) The term "bank" means member or nonmember banks of the Federal Reserve System.

(j) The term "State" means the fifty States and the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States.

(k) The term "food stamp program" means any program promulgated pursuant to the provisions of this Act.

(l) The term "elderly person" shall mean a person sixty years of age or over who is not a resident of an institution or boarding house, and who is living alone, or with spouse, whether or not he has cooking facilities in his home.

(m) The term "authorization to purchase card" means any document issued by the State agency to an eligible household which shows the face value of the coupon allotment the household is entitled to be issued on presentment of such document and the amount to be paid by such household for such allotment. [7 U.S.C. §2012]

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ESTABLISHMENT OF THE FOOD STAMP PROGRAM

Sec. 4 (a) The Secretary is authorized to formulate and administer a food stamp program under which, at the request of the State agency, eligible households within the State shall be provided with an opportunity to obtain a nutritionally adequate diet through the issuance to them of a coupon allotment which shall have a greater monetary value than the charge to be paid for such allotment by eligible households. The coupons so received by such households shall be used only to purchase food from retail food stores which have been approved for participation in the food stamp program. Coupons issued and used as provided in this Act shall be redeemable at face value by the Secretary through the facilities of the Treasury of the United States.

(b) In areas where the food stamp program is in operation, there shall be no distribution of federally donated foods to households under the authority of any other law except that distribution thereunder may be made: (1) during temporary emergency situations when the Secretary determines that commercial channels of food distribution have been distrupted; (2) for such period of time as the Secretary determines necessary, to effect an orderly transition in an area in which the distribution of federally donated foods to households is being replaced by a food stamp program; or (3) on request of the State agency: Provided, That the Secretary shall not approve any plan established under this Act which permits any household to simultaneously participate in both the food stamp program and the distribution of federally donated foods under this clause (3).

(c) The Secretary shall issue such regulations not inconsistent with this Act, as he deems necessary or appropriate for the effective and efficient administration of the food stamp program. [7 U.S.C. §2013]

ELIGIBLE HOUSEHOLDS

Sec. 5. (a) Except for the temporary participation of households that are victims of a disaster as provided in subsection (b) of this section, participation in the food stamp program shall be limited to those households whose income and other financial resources are determined to be substantial limiting factors in permitting them to purchase a nutritionally adequate diet.

(b) The Secretary, in consultation with the Secretary of

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Health, Education, and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility. Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any food stamp program established pursuant to this Act during the tax period such dependency is claimed and for a period of one year after expiration of such tax period. The Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households: Provided, That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Islands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories; except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States.

(c) Notwithstanding any other provisions of law, the Secretary shall include in the uniform national standards of eligibility to be prescribed under subsection (b) of this section a provision that each State agency shall provide that a household shall not be eligible for assistance under this Act if it includes an able-bodied adult person between the ages of eighteen and sixty-five (except mothers or other members of the household who have responsibility of care of dependent children or of incapacitated adults, bona fide students in any accredited school or training program, or persons employed and working at least 30 hours per week) who either (a) fails to register for employment at a State or Federal employment office or, when impractical, at such other appropriate State or Federal office designated by the Secretary, or (b) has refused to accept employment or public work at not less than (i) the applicable State minimum wage, (ii) the applicable Federal minimum wage, (iii) the applicable wage established by a valid regulation of the

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Federal Government authorized by existing law to establish such regulations, or (iv) $1.30 per hour if there is no applicable wage as described in (i), (ii), or (iii) above. Refusal to work at a plant or site subject to a strike or a lockout for the duration of such strike or lockout shall not be deemed to be a refusal to accept employment. [7 U.S.C. §2014]

ISSUANCE AND USE OF COUPONS

Sec. 6. (a) Coupons shall be printed in such denominations as may be determined to be necessary, and shall be issued only to households which have been duly certified as eligible to participate in the food stamp program.

(b) Coupons issued to eligible households shall be used by them only to purchase food in retail food stores which have been approved for participation in the food stamp program at prices prevailing in such stores: Provided, That nothing in this Act shall be construed as authorizing the Secretary to specify the prices at which food may be sold by wholesale food concerns or retail food stores.

(c) Coupons issued to eligible households shall be simple in design and shall include only such words or illustrations as are required to explain their purpose and define their denomination. The name of any public official shall not appear on such coupons. [7 U.S.C. §2015]

VALUE OF THE COUPON ALLOTMENT AND CHARGES TO BE MADE

Sec. 7. (a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet, adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor.

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(b) Notwithstanding any other provision of law, households shall be charged for the coupon allotment issued to them, and the amount of such charge shall represent a reasonable investment on the part of the household, but in no event (2) more than 30 per centum of the household's income: Provided, That coupon allotments may be issued without charge to households with income of less than $30 per month for a family of four under standards of eligibility prescribed by the Secretary: Provided further, That the Secretary shall provide a reasonable opportunity for any eligible household to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued to them under subsection (a) of this section. The charge to be paid by eligible households electing to exercise the option set forth in this subsection shall be an amount which bears the same ratio to the amount which would have been charged under subsection (b) of this section as the face value of the coupon allotment actually issued to them bears to the face value of the coupon allotment that would have been issued to them under subsection (a) of this section.

(c) The value of the coupon allotment provided to any eligible household which is in excess of the amount charged such households for such allotment shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

(d) Funds derived from the charges made for the coupon allotment shall be promptly deposited in a manner prescribed in the regulations issued pursuant to this Act, in a separate account maintained in the Treasury of the United States for such purposes. Such deposits shall be available, without limitation to fiscal years, for the redemption of coupons. [7 U.S.C. §2016]

APPROVAL OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

Sec. 8. (a) Regulations issued pursuant to this Act shall provide for the submission of applications for approval by retail food stores and wholesale food concerns which desire to be authorized to accept and redeem coupons under the food stamp program and for the approval of those applicants whose participation will effectuate the purposes of the food stamp program. In determining the qualifications of applicants there shall be considered among such other factors as may be appropriate, the following: (1) the nature and extent of the retail or wholesale

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food business conducted by the applicant; (2) the volume of coupon business which may reasonably be expected to be conducted by the applicant retail food store or wholesale food concern; and (3) the business integrity and reputation of the applicant. Approval of an applicant shall be evidenced by the issuance to such applicant of a non-transferable certificate of approval.

(b) Regulations issued pursuant to this Act shall require an applicant retail food store or wholesale food concern to submit information which will permit a determination to be made as to whether such applicant qualifies, or continues to qualify, for approval under the provisions of this Act or the regulations issued pursuant to this Act. Regulations issued pursuant to this Act shall provide for safeguards which restrict the use or disclosure of information obtained under the authority granted by the subsection to purposes directly connected with administration and enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

(c) Any retail food store or wholesale food concern which has failed upon application to receive approval to participate in the food stamp program may obtain a hearing on such refusal as provided in section 13 of this Act. [7 U.S.C. §2017]

REDEMPTION OF COUPONS

Sec. 9. Regulations issued pursuant to this Act shall provide for the redemption of coupons accepted by retail food stores through approved wholesale food concerns or through banks, with the cooperation of the Treasury Department. [7 U.S.C. §2018]

ADMINISTRATION

Sec. 10. (a) All practicable efforts shall be made in the administration of the food stamp program to insure that participants use their increased food purchasing power to obtain those staple foods most needed in their diets, and particularly to encourage the continued use of those in abundant or surplus supply so as not to reduce the total consumption of surplus commodities which have been made available through direct distribution. In addition to such steps as may be taken administratively, the voluntary cooperation of existing Federal, State, local, or private agencies which carry

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out informational and educational programs for consumers shall be enlisted.

(b) The State agency of each participating State shall assume responsibility for the certification of applicant households and for the issuance of coupons: Provided, That the State agency may, subject to State law, delegate its responsibility in connection with the issuance of coupons to another agency of the State government. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in the regulations.

(c) Any household which is receiving public assistance and which makes application for the benefits of this Act shall be certified for eligibility solely by execution of an affidavit, in such form as the Secretary may prescribe, by the member of such household making application. Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal. In the certification of applicant households for the food stamp program there shall be no discrimination against any household by reason of race, religious creed, national origin, or political beliefs.

(d) Participating States or participating political subdivisions thereof shall not decrease welfare grants or other similar aid extended to any person or persons as a consequence of such person's or person's participation in benefits made available under the provisions of this Act or the regulations issued pursuant to this Act.

(e) The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such program will be conducted within the State, the political subdivisions within the State in which the State desires to conduct the program, and the effective dates of participation by each such political subdivision. In addition, such plan of operation shall provide, among such other provisions as may by regulations be required, the following: (1) the specific standards to be used

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in determining the eligibility of applicant households; (2) that the State agency shall undertake the certification of applicant households in accordance with the general procedures and personnel standards used by them in the certification of applicants for benefits under the federally aided public assistance programs; (3) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (4) for the submission of such reports and other information as from time to time may be required; (5) that the State agency shall undertake effective action, including the use of services provided by other federally funded agencies and organizations, to inform low-income households concerning the availability and benefits of the food stamp program and insure the participation of eligible households; and (6) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food stamp program. The State agency shall, notwithstanding any other provision of law, institute procedures under which any household participating in the food stamp program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under any federally aided public assistance program and have its coupon allotment distributed to it with such grant or payment. In approving the participation of the subdivisions requested by each State in its plan of operation, the Secretary shall provide for an equitable and orderly expansion among the several States in accordance with their relative need and readiness to meet their requested effective dates of participation.

(f) If the Secretary determines that in the administration of the program there is a failure by a State agency to comply substantially with the provisions of this Act, or with the regulations issued pursuant to this Act, or with the State plan of operation, he shall inform such State agency of such failure and shall allow the State agency a reasonable period of time for the correction of such failure. Upon the expiration of such period, the Secretary shall direct that there be no

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further issurance of coupons in the political subdivisions where such failure has occurred until such time as satisfactory corrective action has been taken.

(g) If the Secretary determines that there has been gross negligence or fraud on the part of the State agency in the certification of applicant households, the State shall upon request of the Secretary deposit into the separate account authorized by section 7 of this Act, a sum equal to the amount by which the value of any coupons issued as a result of such negligence or fraud exceeds the amount that was charged for such coupons under section 7(b) of this Act.

(h) Subject to such terms and conditions as may be prescribed by the Secretary in the regulations issued pursuant to this Act, members of an eligible household who are sixty years of age or over or an elderly person and his spouse may use coupons issued to them to purchase meals prepared for and delivered to them by a political subdivision or by a private non-profit organization which: (1) is not receiving federally donated foods from the United States Department of Agriculture for use in the preparation of such meals; (2) is operated in a manner consistent with the purposes of this Act; and (3) is recognized as a tax exempt organization by the Internal Revenue Service: Provided, That household members or elderly persons to whom meals are delivered are housebound, feeble, physically handicapped, or otherwise disabled, to the extent that they are unable to adequately prepare all of their meals. Meals served pursuant to this subsection shall be deemed "food" for the purposes of this Act. [7 U.S.C. §2019]

DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

Sec. 11. Any approved retail food store of wholesale food concern may be disqualified from further participation in the food stamp program on a finding, made as specified in the regulations, that such store or concern has violated any of the provisions of this Act, or of the regulations issued pursuant to this Act. Such disqualification shall be for such period of time as may be determined in accordance with regulations issued

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pursuant to this Act. This action of disqualification shall be subject to review as provided in section 13 of this Act. [7 U.S.C. §2020]

DETERMINATION AND DISPOSITION OF CLAIMS

Sec. 12. The Secretary shall have the power to determine the amount of and settle and adjust any claim and to compromise or deny all or part of any such claim or claims arising under the provisions of this Act or the regulations issued pursuant to this Act. [7 U.S.C. §2021]

ADMINISTRATIVE AND JUDICIAL REVIEW

Sec. 13. Whenever --

(a) An application of a retail food store or wholesale food concern to participate in the food stamp program is denied,

(b) a retail food store or a wholesale food concern is disqualified under the provisions of section 11 of this Act, or

(c) All or part of any claim of a retail food store or wholesale food concern is denied under the provisions of section 12 of this Act, notice of such administrative action shall be issued to the retail food store or wholesale food concern involved. Such notice shall be delivered by certified mail or personal service. If such store or concern is aggrieved by such action, it may, in accordance with regulations promulgated under this Act, within ten days of the date of delivery of such notice, file a written request for an opportunity to submit information in support of its position to such person or persons as the regulations may designate. If such a request is not made or if such store or concern fails to submit information in support of its position after filing a request, the administrative determination shall be final. If such a request is made by such store or concern, such information as may be submitted by the store or concern, as well as such other information as may be available, shall be reviewed by the person or persons designated, who shall, subject to the right of judicial review hereinafter provided, make a determination which shall be final

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and which shall take effect fifteen days after the date of the delivery of service of such final notice of determination. If the store or concern feels aggrieved by such final determination he may obtain judicial review thereof by filing a complaint against the United States in the United States district court for the district in which he resides or is engaged in business, or in any court of record of the State having competent jurisdiction, within thirty days after the date of delivery or service of the final notice of determination upon him, requesting the court to set aside such determination. The copy of the summons and complaint required to be delivered to the official or agency whose order is being attacked shall be sent to the Secretary or such person or persons as he may designate to receive service of process. The suit in the United States district court or State court shall be a trial de novo by the court in which the court shall determine the validity of the questioned administrative action in issue. If the court determines that such administrative action is invalid it shall enter such judgment or order as it determines is in accordance with the law and the evidence. During the pendency of such judicial review, or any appeal therefrom, the administrative action under review shall be and remain in full force and effect, unless an application to the court on not less than ten days' notice, and after hearing thereon and a showing of irreparable injury, the court temporarily stays such administrative action pending disposition of such trial or appeal. [7 U.S.C. § 2022]

VIOLATIONS AND ENFORCEMENT

Sec. 14. (a) Notwithstanding any other provisions of this Act, the Secretary may provide for the purchase, issuance or presentment for redemption of coupons to such person or persons, and at such times and in such manner, as he deems necessary or appropriate to protect the interests of the United States or to insure enforcement of the provisions of this Act or the regulations issued pursuant to this Act.

(b) Whoever knowingly uses, transfers, acquires, alters, or possesses coupons or authorization to purchase cards

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in any manner not authorized by this Act or the regulations issued pursuant to this Act shall, if such coupons or authorization to purchase cards are of the value of $100 or more, be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years or both, or, if such coupons or authorization to purchase cards are of a value of less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(c) Whoever presents, or causes to be presented, coupons for payment or redemption of the value of $100 or more, knowing the same to have been received, transferred, or used in any manner in violation of the provisions this Act or the regulations issued pursuant to this Act shall be guilty of a felony and shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than five years or both, or, if such coupons are of a value less than $100, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than $5,000 or imprisoned for not more than one year, or both.

(d) Coupons issued pursuant to this Act shall be deemed to be obligations of the United States within the meaning of title 18, United States Code, section 8.

(e) No person shall be charged with a violation of this or any other Act, or of any regulation issued under this or any other Act, or of any State plan of operation on the basis of any statements or information contained in an affidavit filed pursuant to section 10(c) of this Act, except for fraud. [7 U.S.C. §2023]

COOPERATION WITH STATE AGENCIES

Sec. 15 (a) Each State shall be responsible for financing, from funds available to the State or political subdivision thereof, the costs of carrying out the administrative responsibilities assigned to it under provisions of this Act. Except as provided for in subsection (b) of this section, such costs shall include, but shall not be limited to, the certification of households; the acceptance, storage, and protection of coupons after their delivery to receiving points within the States;

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and the issuance of such coupons to eligible households and the control and accounting therefor.

(b) The Secretary is authorized to pay to each State agency an amount equal to 62 1/2 per centum of the sum of (1) the direct salary, travel and travel-related cost (including such fringe benefits as are normally paid) of personnel, including the immediate supervisors of such personnel, for such time as they are employed in taking the action required under the provisions of subsection 10(e)(5) of this Act and in making certification determinations for households other than those which consist solely of recipients of welfare assistance; (2) the direct salary, travel, and travel-related costs (including such fringe benefits as are normally paid) of personnel for such time as they are employed as hearing officials under section 10(e) of the Act. [7 U.S.C. § 2024]

APPROPRIATIONS

Sec. 16 (a) To carry out the provisions of this Act, there is hereby authorized to be appropriated not in excess of $75,000,000 for the fiscal year ending June 30, 1965; not in excess of $100,000,000 for the fiscal year ending June 30, 1966; and not in excess of $200,000,000 for the fiscal year ending June 30, 1967; not in excess of $200,000,000 for the fiscal year ending June 30, 1968; not excess of $315,000,000 for the fiscal year ending June 30, 1969; not in excess of $340,000,000 for the fiscal year ending June 30, 1970; not in excess of $1,750,000,000 for the fiscal year ending June 30, 1971; for the fiscal years ending June 30, 1972 and June 30, 1973 such sums as the Congress may appropriate. Such portion of any such appropriation as may be required to pay for the value of the coupon allotments issued to eligible households which is in excess of the charges paid by such households for such allotments shall be transferred to and made a part of the separate account created under section 7(d) of this Act. This Act shall be carried out only with funds appropriated from the general fund of the Treasury for that specific purpose and in no event shall it be carried out with funds derived from permanent appropriations. On or before January 20 of each year, the Secretary shall submit to Congress a report setting forth operations under this Act during the preceding calendar year and projecting needs for the ensuing calendar year.

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(b) In any fiscal year, the Secretary shall limit the value of those coupons issued which is in excess of the value of coupons for which households are charged, to an amount which is not in excess of the portion of the appropriation for such fiscal year which is transferred to the separate account under the provisions of subsection (a) of this section. If in any fiscal year the Secretary finds that the requirements of participating States will exceed the limitation set forth herein, the Secretary shall direct State agencies to reduce the amount of such coupons to be issued to participating households to the extent necessary to comply with the provisions of this subsection.

(c) If the Secretary determines that any of the funds in the separate account created under section 7(d) of this Act are no longer required to carry out the provisions of this Act, such portion of such funds shall be paid into the miscellaneous receipts of the Treasury.

(d) Amounts expended under the authority of this Act shall not be considered amounts expended for the purpose of carrying out the agricultural price-support program and appropriations for the purposes of this Act shall be considered, for the purposes of budget presentations, to relate to the functions of the Government concerned with welfare. [7 U.S.C. §2025]

RECOMMENDATION FOR REQUIREMENTS

I. Definition of Income

A. Income should be defined as net income (minus mandatory deductions).

B. A special provision should be made for seasonal workers (perhaps could be worded to include other groups) to deduct from income expenses necessary to produce income (e.g. travel, purchasing equipment).

C. Earned income of children under 18 should not be counted as part of the household's income.

D. Rest of income definition could parallel that used in National School Lunch Registration.

Basis: A. The previous Food Stamp requirements say that the state shall establish income standards which "shall include maximum income limitations consistent with income standards used by the state agency in administration of its federally aided public assistance programs." (271.1, f) Most states use net income in determining eligibility for public assistance. Furthermore, in the USDA instructions to state agencies on Food Stamp Program Procedures for Certification of Households Receiving Farm Income, net income ("total amount of earnings, less mandatory deductions") is included as the basis for determining eligibility. (V, B, 1.)

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B. This instruction further indicates that for farm operators, the cost of producing income is to be deducted from net income. Seasonal worker's expenses for producing income, such as travel, would seem to be a parallel situation.

C. Deduction of children's income is allowable under current regulations and a number of state plans currently include this provision. Also, a number of states discount the income of children in determining welfare grants.

Concerning all these provisions on definition of income, the Act as amended gives the Secretary the authority to include them. (See 5b) In requiring the Secretary to "establish uniform national standards of eligibility" the amendments make it necessary for him to determine the allowable deductions and make them a mandatory part of the states' plans. National income guidelines will not accomplish their purpose of uniformity otherwise.

Problem: A. Migrants travel because there is no longer work at their current location; travel is an unavoidable expense in order to maintain employment. B. Gross income does

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not reflect the income which migrants have to live on. Deductions, many of them large and illegal are made before the migrant ever sees his money. C. There is no guarantee that money children make goes towards the family's living expenses.

II. Definition of resources - Requirements should not include as part of a household's resources those resources which are essential to the family's means of support. For seasonal workers this would mean automobiles and savings accumulated during the best months of the agricultural season.

Basis: According to the amendments the Secretary can determine national standards for the possession of resources as a criteria for Food Stamp eligibility. Secretary of Agriculture has the authority to "prescribe the amounts of household income and other financial resources including both liquid and non-liquid assets, to be used as criteria of eligibility" (See 5,b). FAP included a similar provision to the one suggested above: "In determining the resources of a family there shall be excluded ... other property

which, as determined in accordance with and subject to limitations in regulations of the Secretary, is so essential to the family's means of self-support as to warrant its exclusion."

Problem: Seasonal workers may accumulate savings during some months which are then used to carry them through the months where there is little agricultural work. If annual income average were used uniformly to determine the eligibility of seasonal farm workers, the problem of being ineligible some months because of savings might be eliminated. However, this provision should still be included since annual certification may be left optional or not used.

Cars are especially necessary for farm workers who migrate to follow the crop seasons. Having wheels may give the migrant some freedom from depending on crew leaders for transportation. Statistics indicate that farm workers not working under a crew leader tend to return home with more money. Cars also allow the migrant mobility in a given area which may help him escape the monopoly of farmers or local

merchants and allow him to take advantage of local social services such as health clinics.

III. Frequency of issuing coupons - Requirements to say that state agencies must require that all Food Stamp project areas have a provision for a monthly, semimonthly, and weekly schedule of coupon issuance.

Basis: Amendments have not changed the law in regards to frequency of distributing coupons. Current Food Stamp requirements state that "state agencies are responsible for insuring that eligible households are positively offered the frequency of coupon issuance that is best geared to the frequency of their receipt of income: Provided, however, that at a minimum, all project areas shall make provision for a monthly and semimonthly schedule of issuance." This minimum does not disallow weekly issuance, but apparently because the minimum is bimonthly, local agencies have not offered weekly issuance where such a schedule would be the "best geared to the frequency of their receipt of income." A weekly minimum in the requirements would ensure that issuance fit better with income receipt patterns for those who get paid

weekly.

Problem: Seasonal workers generally receive weekly wages; a weekly coupon issuance would, therefore, be more suitable for them. There have been problems with farm workers being unable to keep sufficient cash to pay bimonthly. This problem would not be alleviated by the new amendment which allows the recipient to pay less than the previously required amount since there is a parallel cut in free stamps. Farm workers would then not receive the full benefits of the program.

IV. Definition of political subdivision - Requirements should define this as a subdivision of any state.

Basis: "Political subdivision", as spoken of in the amendments, is not defined. In regards to its use concerning moving (See 10,c) there is no mention of political subdivision "of the same state." Thus, the Secretary has the authority to consider "political subdivision" the subdivisions of any state. Since eligibility is to be made "uniform" throughout the country, a household eligible in one state would be

eligible in the next. Thus, a state to which a household moved would have no more basis for saying that it didn't want to continue benefits than would another political subdivision of the household's original state.

Problem: Seasonal workers often cross state lines in following crop seasons. If "political subdivision" didn't refer to "of any state," these workers would have to await recertification before receiving benefits in the new state.

V. Certification pending verification - Requirements to require that state plans make a provision binding on all local Food Stamp administrations for granting certification during the process of verification.

Basis: This procedure is currently allowed for in a number of state plans. It is also the policy of a number of state welfare departments to give money for food and rent, etc., before the application for assistance has been processed. The Act states that "State agencies shall undertake the certification of applicant households in accordance with the general procedures and

personnel standards used by them in the certification of applicants for benefits." It would seem, however, that the Secretary has the authority to make this a uniform procedure on the basis of his authority to "establish uniform national standards of eligibility for participation....." since "certification pending verification" relates to eligibility during that time span.

Problem: Under the current situation, where immediate certification is not the policy, migrant workers, who constantly change location, must reapply and await recertification many times. This may be a lengthy procedure each time. As a result, the migrant farm worker may have a number of months per year in which he was eligible for, but did not receive Food Stamps; the reason being solely administrative red tape. With the 60 day carry over time, much of this problem will be remedied (particularly if the 60 days also applies to crossing state lines). However, in moving a migrant may go from a commodities area to a Food Stamp area. It might reason-

ably be expected that the 60 day carry over will not apply for this type of change. Also, such a "certification pending verification" procedure would eliminate delayed benefits for those who are applying for the first time.

VI. Limitation on length of certification procedure- Requirements should include a 30 day maximum for completion of certification procedure from date of application.

Basis: New amendments make no change in law regarding this point. Old Food Stamp requirements (271.8, b) imply that states act on applications with "reasonable promptness." Federal welfare policy limits application processing to 30 days; in the Food Stamp Act, states are asked to administer the Food Stamp program using similar procedures as with federally funded public assistance programs. (See 10, é,2). This seems to indicate that the Secretary has the authority and duty to require a 30 day limit.

Problem: There is great delay in processing applications. Migrants may move on before it is completed and miss out on benefits they are eligible for.

VII. Verification of eligibility procedures -
Requirements should indicate more particularly what is to be considered "adequate verification" of income. Special procedures must be made for groups who do not receive from their employers any documentation of income received or who receive demonstrably inaccurate documentation of wages. Such special verification procedures are intended to achieve an accurate, unbiased estimation of income received. They should include, at a minimum, consultation with existing organizations or groups representing the applicant's interests. Where there are no records of income or unbiased means of estimation, the applicant's affidavit must be accepted as sufficient verification. Regulations should be clear at this point that eligibility is to be based on past (or present) income rate. Anticipated income is not adequate verification.

Basis: New amendments don't touch on the process of income verification for non-public assistance households. Old requirements (271.4) say that state agencies will "provide for adequate documentation and verification of certification information obtained from applicant households." Because of the great variety of systems currently used to verify eligibility, the uniformity of

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eligibility intended by the Act would be jeopardized if the requirements were not more specific on this point.

Problem: Often no records are kept by farmers of wages paid to individual farm workers. Where they are, the records tend to be inaccurate and a poor indication of actual money received. (Records may be before deductions - legal or illegal). Even more rarely do farm workers get pay slips. Currently, a normal procedure when an applicant has no record of past income is for the certifier to check with the farmer(s). The farmer often believes it not to be in his interest to assist workers to get food stamps. Therefore, he may not provide documentation to the Food Stamp administrator or may give documentation which is not an accurate indicator. Whatever documentation or estimation of income a farmer provides is frequently taken as more adequate than the farm worker's word. Another system of determining income which is used where there are no records is forecasting work for the next month or two. A given rate of pay per day is determined to be average; the number of working days in the next month is figured;

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weather forecastes may be consulted. From this a predestion is made and eligibility and price is determined from this. This method of estimation is often highly inaccurate and not in favor of the worker. As a result, these various procedures tend to keep workers from getting stamps when they are actually eligible. Also, they require the workers to pay far above what their actual income would dictate.

VIII. Use of person other than head of household to purchase stamps

At the time of certification an applicant should be able to authorize other people to purchase stamps for him. (these people must be named on the Food Stamp eligibility card.)

Basis: There is no indication in the Act that the head of household, or only one person, must be the one to purchase stamps. Current requirements state that "the coupons may be used only by the head of the household or other persons selected by him to purchase...." (271.9,a). If other persons can be selected to use the stamps, it seems reasonable to extend this

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provision to cover the purchase of the stamps.

Problem: Because of the limited office hours during which Food Stamps are available (usually during the day) the head of the household often has to loose a day's pay in order to go in town and purchase his Food Stamps. Food Stamp offices often won't accept his wife or anyone else in his place. Illness also presents difficulties for purchasing stamps. This is an added barrier for the migrant in attempting to use the Food Stamp program.

IX. Annual Certification - Annual certification (or review of certification) is to be provided for in all state plans for households which are farm households. This provision must be binding on all local areas (i.e., all local areas must offer this option to farm households). Farm households should be defined as in the USDA instructions listed previously "Farm households' are defined as households receiving a major portion of their annual income from farm operation or farm employment, and are further defined as households of farm operators, or households of farm workers who have relatively steady farm employment with one or more employers during farm

14.

months, and/or a continuing source of credit against future earnings. To qualify as a 'farm household' a household need not necessarily live on a farm." This part of the requirements also needs to specify that earning of non-farm income does not allow Food Stamp administration to return to the normal pattern of certification for that person except upon his request.

Basis: Current requirements have a provision allowing for annual certification of farm workers: "That an annual review schedule may be submitted for households which derive their income from farming or employment on farms...." (271.3,c) The intent is, apparently, that farm households have the opportunity to use annual certification when their income is best reflected this way. In practice, however, annual certification is not used in participating states. This seems to indicate the need for a clearer definition of this regulation and stronger language in order to insure that eligible families are not excluded due to certification procedures. Furthermore, a large number of seasonal farm workers travel through many different states in a year. If all

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states were not required to allow for annual certification of farm workers, these traveling workers would be de facto excluded from the annual review schedule since they would have to recertify in states not having annual certification.

Problem: Seasonal workers receive greatly varying wages through out the year due in large measure to the crop seasons. Some months, when good paying crops are ripe and the weather is good, a farm worker might make a high income which would make him ineligible for Food Stamps. Other months of the year, however, there may be little work. From the best statistics available, seasonal farmworkers tend to make an average yearly income well below the income level which would make them eligible for Food Stamps. Currently this annual averaging to determine eligibility, although technically allowed by the Food Stamp requirements, is done almost nowhere (if anywhere). Thus, people who have a clear claim to year-round eligibility are excluded from the program (or at least, its full bene-

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fits) for a number of months of the year.

X. Prorated Purchase Payments - Requirements should specify that for those households which are certified annually, purchase price of the stamps may be prorated over the year, for each month, in accordance with the yearly income pattern of the household. A prorated schedule shall be the option of the annually certified household.

Basis: The Act as amended does not prohibit such a prorated price procedure. The amendments state that "the amount of such charge shall represent a reasonable investment on the part of the household." (See 7,b) Given the great variation in income for many farm households, a "reasonable investment" one month would likely be unreasonable for another. Therefore, if such a household were to take advantage of annual certification, a prorated purchase price schedule would be necessary in order to comply with the provision "reasonable investment."

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Problem: Seasonal workers have very irregular income. In months where there is little work, they would tend to not have sufficient cash to pay for Food Stamps if an average price schedule were worked out based on their average monthly earnings other months, they could pay more.

XI. Non-necessity of regular participation - Ideally requirements would include no provision for regular participation in order to continue one's eligibility. However, if such a provision is continued, it should exclude (1) households who pass through a commodities area between two Food Stamp areas, and (2) households who are located where the Food Stamp office is inaccessable (distant and no public transportation).

Basis: Is no apparent basis for the regular participation regulation in the Act as amended. The intent of the act is to "alleviate such hunger and malnutrition" and to "permit low-income households to purchase a nutritionally adequate diet...." (See 2.) Refusing eligibility because of irregular participation in the program may refuse participation to those who

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have a desire and need to use the Food Stamp program in order to obtain a "nutritionally adequate diet." Refusing participation because of non-availability or inaccessabilty of the Food Stamp program does not seem to be the intent of the Act nor the regulation 271.4,b. Without the above exceptions, however, it will work in this manner.

ANNUAL CERTIFICATION PROCEDURE FOR FARM WORKER HOUSEHOLDS TO BE USED BY STATE AGENCIES

I. General Explanation - Under past systems of certification for the Food Stamp Program, seasonal farm workers, although eligible, have all but been excluded from participating in the benefits of the Food Stamp Program. This set of instructions is intended to set out a uniform annual certification procedure which will allow eligible seasonal workers full participation. To accomplish this, it is imperative to recognize some of the impossibilities in accuracy and precise verification of income previously required when certifying seasonal farm workers. It is also necessary to realize the financial limitations put on tailoring an accurate and precise certification procedure to the seasonal worker's situation.

With these considerations in mind, the following certification procedure has been formulated and is to be used by all participating political subdivisions.

II. Definition of Farm Worker households - Those households which receive a major portion of their annual income from farm employment and who have relatively steady farm employment with one or more employers during

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farming months (and/or a continuing source of credit against future earnings). To qualify as a farm worker household, a household need not necessarily live on a farm.

III. Certification Procedure -

a. Determination of eligibility

1. Determine the households income last year by tracing the worker's places of employment, rate of pay, and days worked by month as closely as possible (patterns or estimate formulas may have to be worked out here).

a. Acceptable sources of verification

1. worker's records and affidavit
2. consultation with organizations which represent the farm worker's interests (if any verification beyond (1) is carried out, it must include this second source of verification).
3. Consultation with employers.
4. Consultation with farm labor offices.

b. Discussion - There is no feasible way to document the earnings of farm workers accurately for the past month, let alone

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the past year. Records are very rarely kept by the worker or his employer and when kept are apt to be inaccurate. It is often for this reason that farm workers have not been able to use the Food Stamp Program. The purpose here is to institute a short hand method of income estimation which will change this situation without simultaneously allowing abuse of the Program by ineligible households. The best statistics available indicate that the average farm worker's yearly income, even when supplemented by non-farm work, is well below the national poverty level. Thus, a reasonable estimate of past yearly income will be sufficient to establish eligibility. It should also be noted that although farm workers' income varies over the years, statistics show no pattern of increasing wages. An analysis of the agricultural system in which the farm worker provides the necessary cheap labor for the farmer shows no indication

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of providing advancement in income. In fact, the increasing mechanization of farms without a substantial change in the number of farm workers provides no prospect for wage increases. Due to this, USDA and state and local agencies are, on the average, not risking certifying many ineligible households by using last year's income as a basis for eligibility.

2. Making deductions from estimated annual incomes (will need chart; may just want to estimate an average deduction and be done with it.)

a. If source of income estimation does not account for mandatory deductions which were made, subtract the appropriate percentage from the gross income to get net income.

b. If income estimation includes income of children under 18, estimate the children's earnings and subtract from income. If income estimation was gross, subtract this before determing net income.

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c. Deduct 10% (20%) of net income or the sum of the allowable deductions listed below (whichever is greater).

1. Last years expenses which were necessary to produce income.

a. Travel - approximate miles travelled in last year; multiply by 15 cents (?); subtract from net income.

b. Other income producing expenses

d. Hardship provisions - what allowable for hardship deductions will be the same as indicated by national uniform guidelines (high medical expenses, rent in excess of 30% of income, etc.) - estimate and subtract from net income.

3. Determining resources

a. Determine in the same way as spelled out by USDA national guidelines except that:

1. A car cannot be considered a resource;

2. Savings made from past year's income not to be considered a resource since it has already been counted as income (may just use reasonable

5.

savings ceiling here).

b. Determining price to be paid for stamps

1. Two options open to applicant

a. #1

1. Determine average monthly income by dividing annual income by 12.

2. Prorate this average on the basis of last year's income pattern (already determined during annual income estimation procedure).

3. Make a schedule of monthly payments for the worker (also to be kept on file in that county).

4. Worker has the option of adjusting payments during the year if the projected income pattern proves to be in error and he is unable to pay the price of his maximum coupon allotment (will need guideline). This will be done by reporting last month's income to the Food Stamp office which will make a proportional adjustment for the coming month.

a. If "certification pending

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verification" is in effect, the worker's affidavit should be sufficient for this process.

b. #2

1. Determine average monthly income for last year.

2. Fix monthly payments according to this average monthly income.

3. Worker then has the option of reporting to Food Stamp office when his monthly income drops below the average established above in order to adjust the price/purchase for the coming month.

c. Identification Card

1. A Food Stamp eligibility card, good for one year, will be issued the farm worker.

2. The worker will also be issued an attached payment schedule.

3. The card will indicate the county in which it was issued.

4. This card will be valid for eligibility in any Food Stamp county and may be used as verification of eligibility in any commodities county.

8.

d. Purchase procedure for seasonal workers

1. Participating counties must provide an adequate number of mobile Food Stamp purchase and certificate units for seasonal worker camps and other areas of seasonal worker residence whenever the location and office hours of the Food Stamp office make accessibility to its office difficult for farm workers such situations would include:

a. No evening office hours

b. No public transportation

2. Such mobile units shall provide service to seasonal workers with the same frequency that seasonal workers are paid.

3. Provision shall be made for hiring additional personnel on a seasonal basis in order to facilitate the administration of this procedure.

4. Where seasonal workers are Spanish speaking, additional seasonal personnel mentioned above shall either speak Spanish or have a paid interpreter.

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5. Discussion - because many counties will no longer bear the burden of certifying seasonal workers, these counties can reasonably be expected to bear some of the burden of these mobile units. Those counties which serve as home base counties (where annual certification will generally take place) will receive additional compensation.

E. Under no circumstances will re-evaluation of a farm worker's income over a month be used as a reason to discontinue eligibility which was previously established on an annual basis.

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February 1, 1971

TO: Groups Interested in Improving the Food Stamp Program

FROM: Ronald F. Pollack and Stephen Elias

RE: Proposed Food Stamp Regulations

Assistant Agriculture Secretary Richard Lyng recently announced that U.S.D.A. will issue "proposed" regulations, pursuant to the amended Food Stamp Act, in or around the beginning of April. Similar to the procedures utilized with the School Lunch Program regulations, these "proposed" regulations will be published so that persons and groups wishing to offer comments will be given an opportunity to do so. After reviewing these comments, the Department intends to officially promulgate the regulations in or around the beginning of July. Unfortunately, the national eligibility standards, Food Stamp purchase requirements and monthly coupon allotments will be promulgated sometime between April 15 and July 1, without any opportunity to comment thereon.

The following is a list of regulations that should be proposed to the Agriculture Department. Since the recent amendments cover important aspects of the Program, it is evident that many facets of the Program will require substantial revision. In addition, the new legislation suggests that serious scrutiny of the current Commodity Distribution Program regulations is in order. The list of regulations contained herein has, therefore, been divided into three parts: (1) regulations needed to implement the new amendments; (2) regulations relating to other parts of the Food Stamp Act; and (3) regulations relating to the Commodity Distribution Program.

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I. Regulations Required to Implement the New Food Stamp Legislation

A. Section 3 (e) [7 U.S.C. Sec. 2012(e)]: Definition of the term "household."

One very essential regulation must necessarily flow from this "anti-hippy commune" provision of the Food Stamp Act. Since a household denotes "a group of related individuals...[who] are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common," it is clear that the resources of non-related persons -- whether or not such persons reside under the same roof -- cannot be computed in determining a household's income. Regulations should be specifically written to prohibit State agencies from calculating the resources of unrelated "men-in-the-house" or other persons in the computation of a household's income. This would help county welfare agencies insofar as uniformity in administration of the Food Stamp Program with the public assistance programs* is desirable; since Federal regulations and Supreme Court decisions clearly impose this administrative requirement under the public assistance programs [45 C.F.R. Sec. 203.1; Lewis v. Martin, 397 U.S. 552 (1970) ; cf. King v. Smith, 392 U.S. 309 (1968)], it is necessary that similar regulations be promulgated for the Food Stamp Program.

B. Section 4 (b) [7 U.S.C. Sec. 2013 (b)]: Concurrent operation of the Food Stamp and Commodity Distribution Programs.

Since very substantial problems are usually encountered whenever an area switches over from the Commodity Distribution to the Food Stamp Program, it is clear that the concurrent operation of both programs is necessary for at least half a year. The best example for this need is found in the recent switch-over of food programs in New York City. Out of an approximate 750,000 non-welfare persons estimated to be eligible for the Food Stamp Program,** less than 40,000 non-welfare indigents were certified for eligibility as of two months after implementation of the Program. Five months thereafter, substantially less than 100,000 non-welfare persons were certified for Program participation. Clearly, at least half a year is necessary for a smooth transition from the Commodity Distribution to the Food Stamp Program.

Concurrent operation of the Food Stamp and Commodity Distribution Programs "on request of the State agency" should be accomplished with as few obstacles as possible. In this regard, two things are essential.

*Old Age Assistance [42 U.S.C. Secs. 301 et seq.] ; Aid and Services to Needy Families with Children [42 U.S.C. Secs. 601 et seq.] ; Aid to the Blind [42 U.S.C. Secs. 1201 et seq.] ; and Aid to the Permanently and Totally Disabled [42 U.S.C. Secs. 1351 et seq.].

**This estimation was made by New York Social Services Commissioner Jack R. Goldberg and New York Food Stamp Administrator Arthur Schiff and made a part of the record in Figueroa v. Goldberg, Civ. Action No. 70 C 1227 (E.D.N.Y., 1970).

3.

First, the administrative costs for operating a Commodity Distribution Program should not be paid for exclusively by the State or local agency. The Federal Government should pay at least half of the administrative cost or, at a very minimum, provide financial assistance for Program administration with the funds made available under 7 U.S.C. Sec. 250.15. Second, requests for operating both food programs should be honored if such requests are made either by the State agency or the local administrative unit administering the Program (for the State agency) in that area. As long as the State's portion of the administrative costs is paid for, either the State or the county agency should be authorized to make the request for the concurrent operation of both food programs.

C. Section 5(b) [7 U.S.C. Sec. 2014 (b)] : National Eligibility Standards.

The following should be considered the absolute minimal national standard for determining eligibility in the Food Stamp Program:

Household Size	Annual Income
1	$1120
2	2240
3	3360
4	4240
5	5040
6	5760
7	6480
8	7200

For each additional person in the household add $640.

This table was established as an absolute minimal standard on the following basis: Assuming the worst for indigent households with regard to the monthly coupon allotments and the Food Stamp purchase prices--i.e. that the coupon allotments will remain as they had been prior to the recent amendments and that the purchase prices will be 30% of each household's total monthly income--the table reflects the point at which each household size will be required to pay (as the food stamp purchase price) the equivalent of the total food stamp coupon allotment. This is the minimal pricing out point under the Act.* Since the coupon allotment reflects the Secretary's

*An example of how the figures were determined is the following: An impoverished four-person household will receive, at a minimum, $106 worth in stamps per month--or $1272 in stamps per year. Since 30% of income is the maximum food stamp price that can be charged, the minimal pricing out point will be reflected by the following equation: .30 (x) = $1272. (x = $4240)

judgment as to the minimal cost of a "nutritionally adequate diet" [Sections 4(a) and 7(a), 7 U.S.C. Secs. 2013(a) and 2016 (a)], and since all persons below the minimal pricing out point must, by terms of the Act, be unable to purchase such a "nutritionally adequate diet," it is clear that all persons below the pricing out point must be eligible for food stamp assistance. If otherwise, the Program's purpose of permitting all "low income households to purchase a nutritionally adequate diet" [Section 2, 7 U.S.C. Sec. 2011] would be totally frustrated.

Since the coupon allotments must be "adjusted annually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor" [Section 7 (a), 7 U.S.C. Sec. 2016 (a)], the minimal pricing out point would be changed annually. As a result, the national eligibility standards must be adjusted annually to reflect the new minimal pricing out point under the Act.

It must be underscored that the eligibility standards set forth above are absolute floors. Since coupon allotments will hopefully be increased above their present levels,* and since the purchase prices will hopefully be below 30% of total income,** the pricing out point may be significantly higher than the figures set forth above. Accordingly, each State should be permitted to raise its eligibility criteria above the minimal national standard.

Since the Family Assistance Plan (hereinafter F.A.P.) will be considered again during this Congressional session, it would be wise to uniformly provide a "work incentive" in the Food Stamp Program that would be administered consistently with F.A.P. Therefore, earned income should be computed so as to encourage people to work. The following F.A.P. formula should be utilized: In computing food stamp eligibility and benefit levels, the first $60 a month of earned income should be fully disregarded and the next 50 cents thereafter, for every dollar earned, should also be disregarded. By computing income in this manner, the regulations would promote Congressional intent in two ways: (1) it would promote Congressional interests in getting people to work; and (2) F.A.P. and the Food Stamp Program would be properly coordinated.

In addition to the work incentives, deductions in the computations of income should be required for work expenses. Moreover, large personal expenses -- such as payments of over 30% of income for rent, utilities and medical needs -- should be deducted in determining eligibility and benefit levels; although this feature is already found in most food stamp plans of operation, this should be uniformly required in the regulations.

With regard to "other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility" [Sec. 5 (b), 7 U.S.C. Sec. 2014 (b)], the regulations should establish minimal national standards

*See the analysis of Section 7 (a), Infra.
**See the analysis of Section 7 (b), Infra.

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that assure that all welfare recipients will be eligible to participate in the Program. It is therefore necessary that the public assistance plans of operation be scrutinized; the national food stamp eligibility standards should not be more restrictive than the welfare eligibility criteria in any of the plans of operation. Ownership of a house and car -- particularly where a car is needed for health, proximity to essential facilities, or transportation to work -- should not be penalized. Once again, the States must be permitted to establish higher standards than the minimal national criteria.

D. Section 5 (b) [7 U.S.C. Sec. 2014 (b)]: Puerto Rico and the Territories.

The Secretary is supposed to establish eligibility standards and coupon allotment schedules for Puerto Rico, Guam and the Virgin Islands. These standards should "reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories." [Section 5 (b), 7 U.S.C. Sec. 2014 (b)] (emphasis added). These standards are of greatest importance for several reasons: (1) the welfare grant levels in Puerto Rico are unconscionably low -- e.g. $45 per month for a family of four; (2) conditions of hunger, malnutrition and starvation are tragically found throughout Puerto Rico; (3) the unemployment rate in Puerto Rico, outside of metropolitan San Juan, is 23.3% (as of December 1970); and (4) the cost of living in Puerto Rico is at least as high as the cost of living throughout the United States.

If U.S.D.A. is to adhere to the "cost of obtaining a nutritionally adequate diet" standard in Section 5(b), the eligibility criteria and coupon allotment schedules for Puerto Rico must be identical to the ones used in the United States. This is because studies conclusively show that it is more expensive to purchase a nutritionally adequate diet in Puerto Rico than it is for people in the United States. The most comprehensive study completed* -- a 77 page study conducted by the Puerto Rico Department of Health, with the cooperation of the University of Puerto Rico -- shows that a family of five in Puerto Rico needs $140.14 monthly to purchase a nutritionally adequate diet. This, of course, is substantially higher than U.S.D.A.'s $126 economy plan.** Consequently, if U.S.D.A. promulgates lower eligibility standards and coupon allotments for Puerto Rico, Congressional dictates will have been abrogated and court actions would be commenced.

E. Section 5(c) [7 U.S.C. Sec. 2014 (c)]: The Work Requirements***

1. Persons Covered:

* Necesidades Basicas Del Puertorriqueno en el 1970 (May, 1970).

** The reason for the higher cost of purchasing a nutritionally adequate diet is that approximately 75% of the food consumed in Puerto Rico is imported (mainly from the United States). The shipping charges cause food prices in P. R. to be generally higher than United States' prices.

*** This section of the regulations substantially incorporates the suggestions of the National Council on Hunger and Malnutrition.

6.

a). "Able-bodied" -- Should be strictly construed to exclude from registration and work any otherwise covered adult who suffers from a mental or physical handicap or disability (partial or total) that prevents him from working in general as well as to exclude from the work requirement only any otherwise covered adult who is psychologically or physiologically incapacitated from performing the particular job being offered. The nature of the handicap that exempts an adult from any coverage should include such essentially uncontrollable diseases as alcoholism and drug addiction, for which there are better programmatic cures than starvation. The handicap that exempts a person from having to take the specific proferred job should include his physical or mental inability to work because of the lack of requisite skills or training. In making any of these determinations of incapacity, the administering agency should accept as conclusive a letter or similar document explaining the incapacity from a competent medical authority and, in the absence of such a document, should make an evaluation itself in light of the standards it customarily applies in unemployment compensation cases.

Legislative history - The House Committee Report, 91-1402, in discussing the work amendment it offered, noted that "the committee, of course, recognizes that most recipients of food stamps are poor as a result of circumstances beyond their control - old age, disability, physical handicap, etc. - there is a small minority of recipients who are poor because they choose to be poor." Report, p. 10. Rep. Albert Quie, in agreeing to support the Conference Report, stated at H. 12543 in the Congressional Record of December 30, 1970, that: "To the extent that the work provision might be onerous, I believe, No. 1, the Department of Agriculture should do everything it possibly can in its guidelines to make this provision as acceptable as possible. As an example, an alcoholic father should be found medically handicapped just as anyone else with a disease that prevents them from working, and the family not be denied food stamps when he is not working."

b). "Adult" - Defined by the statute itself to include persons who have just had their 18th birthday up to those who are on the brink of their 65th.

2. Persons Exempted:

a). "Mothers...of dependent children" -- Should cover mothers of individuals who are under the age of eighteen, regardless of the availability of day care, the actual need for the mother's presence during the day, etc.

Legislative history - The term "dependent children" is not specifically pinpointed in any of the reports or floor debates on the bill, but it is a term of art from welfare law and especially Section 406 (a) (2) (A) of the Social Security Act, as amended*. The other parts of the term's definition are irrelevant in this context ("need" is taken care of by other eligibility

*In some state plans of operation for public assistance, the term "dependant children" means children under 21 years of age; a few States use the term to denote children under 16 years of age. No State uses a lower figure than 16 years; the overwhelming majority of States use 18 years of age and under as the definition of "dependent children."

7.

standards; students are exempted in other ways). In addition, at S.2169!, Congressional Record of December 31, 1970, Senator Miller of Iowa, who was a member of the conference, pointed out that the bill exempts from the work requirement mothers of small children even if day care centers are available -- as opposed to the welfare bill which requires mothers with children aged 7 or older to work. By "a mother with small children," the Senator said he was "not talking about babes in arms, but I am talking about those, certainly, of school age." Certainly the exemption of persons under 18 years of age from the work registration requirement is indicative that Congress intended that such youngsters be considered "dependent children" for whom parental care and protection is necessary.

b). "Other members of the household who have responsibility of care of dependant children or of incapacitated adults" - - Should cover a father who stays home with the children who are too young for school or when they are at home from school (3 p.m. or noon on), particularly if the mother chooses to work. Also includes any relative who looks after the children during off-school, but regular working hours. It should extend to any adult who is responsible for caring for another adult who is incapacitated in the sense that, at any time during the course of the regular working day, the first exempted adult has certain chores to perform on behalf of the incapacitated adult without which the incapacitated adult could not live a decent life (e.g. feeding, dressing, bathing, walking, etc.). This is a practical concept of responsibility, not a legal one involving the prerequisite of a court order of such "responsibility."

Legislative history support - House Agriculture Committee Chairman Poage referred on the floor -- H. 12542, Congressional Record, December 30, 1970 -- to those who are responsible for the care of "invalid members...of the household" or those "who care for...incapacitated family members." Clearly, he was using the term "responsible" in a non-legal context.

c). "Bona fide students in any accredited school or training program" -- Should be construed in part in accordance with the relevant portions of similar provisions in Section 406 (a) (2) (B) of the Social Security Act to cover any adult of any age (no limit of 21) who can produce a certificate from the appropriate recording official showing that he is "regularly attending school, college, or university, or regularly attending a course of vocational or technical training designed to fit him for gainful employment". The school attendance need not be limited in terms of duration.

d). "Persons employed and working at least 30 hours per week" -- In order to avoid a potentially unconstitutional interpretation, this exemption should be broadly read to cover employed persons who work the equivalent of 30 hours per week in terms of wages, that is who earn at least $39 per week (30 hours times $1.30). Otherwise, a person who worked 25 hours at a $3 rate and was in a household large enough to be otherwise eligible to receive stamps could be forced to quit earning $75 per week and take a 30 or 40 hour job paying a maximum of $39/$53 in order to receive continued food aid. In addition, persons who already have a job -- but who are not presently working due to a strike at their office or plant -- should be considered exempt from registration.

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Legislative history - Chairman Poage referred to this -- H 12543 -- as "a Senate provision, and it is in there for the reason that if somebody is a member with only 1 hour of work a week, he might effectively evade all practical results of the provision." Someone earning over $39 per week, no matter how many hours worked, is clearly not in the "freeloader" class to whom the work requirement is directed. [See House Committee Report, p. 11]. The exemption of strikers from the registration requirement, while up to the discretion of the Secretary, is essential because Congress did "not wish to take sides in labor disputes and does not believe this bill is the proper place to solve labor - management problems." [House Committee p. 11] Moreover, the rejection of the Abbitt Substitute Bill in the House verified, even more strongly than the Committee, that the Food Stamp Program is not to be used for coercing any side in a labor dispute. Certainly if strikers had to register for work this would put the Agriculture Department in a position of supporting management and crippling labor, thereby violating Congressional intentions of strict neutrality.

3. Nature of the Registration Requirement:

Although the statute calls for registration "at" a State or Federal employment office, there is no reason why the physical filling out of the requisite forms could not be done by the covered adult household members at the certification office at the same time as certification occurs, with the forms then to be transferred to the relevant employment office at which place the adults would then be registered. It should, by definition, be always impractical to require an applicant actually to go to the employment office merely to register, since that would waste the time of both the applicants and the bureaucrats. Registration should be easy, simple, mechanical in nature.

4. Nature of the work requirement:

a). The jobs that must be accepted -

I) Training - Since training is not mentioned in the Act as something that must be accepted, it must be excluded as a requirement.

II) Employment - Since the Act is not specific about who offers the employment, it would be best to incorporate the safeguards of the welfare bill and require the offer to come from the local or State public employment office.

III) Public Work - Again, the legislative history is silent on this matter, but since the President has just vetoed a public work manpower bill, in part because of alleged concern over its makework, WPA-like qualities, safeguards should be applied to guarantee that the public work offers

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suitable prospects for advancement into private employment with a year and is not of a dig-a-hole-and-fill-the-hole variety. Municipalities and counties should not be permitted to undercut their own regular work forces by offering identical jobs to food stamp recipients at $1.30 per hour , that is, to save labor costs by relying on a captive labor pool.

iv) Wage Levels - Although the strict reading of the statute does not make such a conclusion crystal clear, the absolute rock bottom hourly wage floor of any job offered must be $1.30. No job paying less than that should have to be accepted, even if the something less were in accordance with an applicable State minimum wage. The Federal minimum is $1.60 and Federal regulatory wages higher so that the State minimum presents the only threat to the $1.30 floor in 18 states (Arizona, Arkansas, Colorado, Delaware, Idaho, Indiana, Kentucky, Michigan, Minnesota, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah and West Virginia) in which the State minimum is below $1.30 and covers jobs not covered by the Federal minimum or regulation. While $1.30 is the floor, the highest of the applicable Federal minimum, State minimum, or Federal regulatory wage would govern, and any proferred job would have to meet that highest level or be rejectable without adverse food stamp consequences.

Legislative History - A floor colloquoy between Rep. Thomas Foley and Chairman Poage -- H. 12542 -- makes this point as well as could be expected. Rep. Foley hypothesized a situation such that "in a state the minimum wage is 85 cents an hour under Stae law, and there is no Federal category for the particular classification of work, could a person be required to accept work at 85 cents an hour?" Chairman Poage's response was: "No, he would have to get $1.30 an hour. He would have to be offered work at $1.30 an hour before he would have to take it." Rep. Foley pushed on: "In other words, in no event could employment be offered at less than $1.30 an hour?" "That is right," replied Chairman Poage. "Even though there might be a lower State minimum wage," Rep. Foley concluded. "Yes, that is correct," answered Chairman Poage.

v) Location of the Job - The House conferees made it clear that persons should not have to travel long distances to the jobs being offered. The Conference Report, at p. 7, stated the conferees' "intentions that the Secretary not impose a requirement for any person to accept a job which is located an unreasonable distance (such as in a distant state) from the residence of such person." The purpose of this requirement is to avoid breaking up families by keeping the breadwinner at home so that he or she can provide proper care for the children and the family. Moreover, since the definition of the term "household" [in Section 3(e)] speaks in terms of "related individuals...living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common," it is obvious that the work requirement was not intended to force family members to take jobs that keep them away from home. Enforcement of Congressional intent should be accomplished by two specific regulations requiring that: (1) no household member be forced to accept a job that requires him or her to stay away from home overnight; and (2) no one be forced to accept employment that requires a travelling time of more than 45 minutes (each way) to the job by public transportation.

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vi) Suitability of the work - Even though the Act makes no reference to the so-called "suitability" concept, it is essential to permit an able-bodied adult to refuse to accept any employment that is not fitted to his physical or mental capacity or skills or training (either less or more qualified) or that is, or may be, dangerous to his health and safety. These minimal aspects of "suitability" should be incorporated into the regulations since they are currently part of the work requirement now contained in at least 11 State food stamp plans approved by U.S.D.A. All of those plans refer to the fact that no employable member of a household may refuse to accept "suitable employment." In addition, no work should be required to be accepted that is not offered for at least the three-month term of the normal certification period on a 30 to 40 hour per week basis. Part-time work or work of limited duration does not satisfy the thrust of the work requirement of forcing poor persons to work themselves out of poverty; it amounts merely to harassment.

Lesislative history - The House Committee Report at p. 12 specifically states that "the committee has left to the Secretary the determination of suitable employment for individuals concerned..." (emphasis supplied). The Committee went on to indicate that the Secretary had similar leeway in determining "the level of wages applied to that employment," although it warned the Secretary not to establish any minimum wages. The Conference Report, however, did establish such a minimum wage. But the Conference Report did not affect the Secretary's expressly delegated power to ascertain the suitability of the employment offered. In addition, the fact that the Committee was aware of the suitability provisions in the 11 or so work requirements then in effect under various State plans, and that it thereafter sought to make the work requirement a matter incorporated in "uniform national standards of eligibility" to be in State plans, indicates an intent to bring prior practice into all States, subject to certain specific limitations as to persons and jobs covered. This is in accord with legal doctrines relating to acquiescence by Congress of an administrative practice, in this instance the approval of State plans with precisely such "suitability" provisions in them.

vii) Procedure - The manner in which the work requirement is enforced is crucial. If a covered adult is required not only to register at the certification office before his family can begin to receive food stamp assistance, but also physically to go to the appropriate employment office for job consideration, the requirement by virtue of logistics will keep hundres of thousands of families off food stamps for an indefinite period of time. Food stamp eligibility would then be dependent on the ability of the employment offices to handle the work, and would be totally independent of the adult's willingness to accept work. Thus, if a covered adult must return to the certification office with a "no job is available" slip from the employment office before his family can start to receive stamps, the requirement will be indiscriminately cruel in its impact, even upon those who eventually satisfy it. This was not the intent of Congress when it passed the Act.

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The preferred procedure would be the tandem certification-registration referred to above followed by the receipt of authorization to purchase cards by otherwise eligible households. Thereafter, the appropriate employment office, armed with the pertinent information on a registration card, could contact any covered adult for whom it had or knew of a required job and give that adult two weeks to accept it. If the adult did not accept the job, the employment office would inform the adult of its intent to contact the certification office and request it to cease issuing authorization to purchase cards to that family until such time as the particular job or other 30-hour-plus per week work were accepted, or until the particular job offered became unavailable because it was filled by another or deleted or whatever. At that point, the affected adult would, pursuant to Goldberg v. Kelly, 397 U.S. 254 (1970), have the right, upon reasonable notice, to a fair hearing before an uninvolved person in the certification agency with the right to make an oral presentation and confront any adverse witnesses (e.g. the putative employer). The fair hearing would determine whether the safeguards in the regulations were complied with. Only upon conclusion of this fair hearing, with a reasoned finding against the adult, could his family's allotment be terminated and then only in the context of the time limitation on the declined job's availability. Once the job expired, the employment office could make alternative offers of other unrefusable jobs, which would require separate hearings.

F. Section 7(a) [7 U.S.C. Sec. 2016(a)]: Coupon Allotments

Under the Food Stamp Act of 1964, prior to the recent amendment, Section 7(a) authorized U.S.D.A. to issue coupon allotments that would provide households "more nearly" with an adequate nutritional diet. By its very terms, the old Act did not authorize the Secretary to issue food stamps that would subsidize a nutritionally adequate diet. Under the recent amendments, the Secretary must issue food stamps in an amount determined "to be the cost of a nutritionally adequate diet." It is clear, therefore, that the coupon allotments must be substantially increased to reflect the new changes in the Act.

Although the $134 (for a four-person household) low-cost diet plan of the Agricultural Research Service was rejected in the Conference Report, neither the House nor the Senate embraced the $106 economy diet plan. Since the economy diet plan was implemented under the old Act (with its "more nearly" adequate nutritional diet provision), and since that economy plan is an unsatisfactory one that is outdated (since it was revised most recently in 1968) and is described by U.S.D.A. as an emergency plan that is not nutritionally adequate, it cannot be implemented under the amended Act. The Department is already on record stating that the $106 economy plan is inadequate; it stated the following, in a menu-planning guide, on the economy plan:

> Studies show that few families spending at the level of the Economy Plan select foods that provide nutritionally adequate diets. The cost of this plan is not a reasonable

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measure of basic money needs for a good diet. The public assistance agency that recognizes the limitations of its clientele and is interested in their nutritional well-being, will recommend a money allowance for food considerably higher than the cost level of the Economy Plan. Many welfare agencies base their food cost standards on the U.S.D.A. Low-Cost Plan which costs about 25 percent more than the Economy Plan.

It is hoped that U.S.D.A. will comply with its own admonitions and conclusions about the cost of a nutritionally adequate diet.

G. Section 7(b) [7U.S.C. Sec. 2016(b)]: Food Stamp Purchase Requirements

The food stamp purchase price is probably the most essential element of the Food Stamp Program. Under the old Act, participation levels were very low due to prohibitive prices. To correct these deficiencies, the Secretary should: (1) use his new authority to provide free stamps to four-person households with monthly incomes of $30 or less (and provide higher income levels for free food stamps for larger households); and (2) promulgate price schedules that, as much as possible, are 10% or lower of a household's monthly income. This percentage should not be exceeded since that is the amount that most people spend on food purchases.

The option provisions of the regulations should be reasonably tailored to encourage as much participation in the Program as possible. Households should be permitted to purchase one-half, one-quarter, one-eighth and one-sixteenth of their monthly authorizations. If a household -- during a later time during the month -- wishes to purchase additional stamps, it should be permitted to do so up to its monthly authorized amount. Under such a scheme, it is necessary that previous regulatory requirements with regard to "regular participation" be rescinded; if otherwise, the intent of Congress -- to provide eligible households with a flexible method of purchasing their way into the Program -- would be frustrated.

H. Section 10(c) [7 U.S.C. Sec. 2019(c)]: Self-Certification Applications.

In order that the application procedure is truly simplified, U.S.D.A. should require that all self-certification applications be short, simple to answer, and without irrelevant questions thereon. The only permissible questions on such an application should cover the household members' names and address; the number of persons in the household; the total income of the household; the household's assets; and the household's expenditures (but only for purposes of determining deductions from income).

13.

I. Section 10(c) [7 U.S.C. Sec. 2019(c)]: Sixty Days of Continued Eligibility in New State

Although this statutory provision is fairly clear, it is important to make sure that similar protections are provided to persons moving from a Commodity Distribution Program area to a Food Stamp Program area. Without such a provision, the "60-day" amendment will be of no consequence to many, if not most, migrants -- the intended beneficiaries of this provision. Almost all migrants from Texas, as an example, would receive little benefit from the new Act's provisions without such a regulation; this is because almost every Texas county has a Commodity Distribution Program. U.S.D.A. should promulgate regulations, and establish procedures, for requiring Commodity Distribution eligibility determinations to be utilized for 60-day eligibility in the Food Stamp Program whenever a person moves from one State to another."

J. Section 10(e) (5) [7 U.S.C. Sec. 2019(e) (5)]: Outreach Efforts

Regulations relating to outreach efforts that are made by the local administrative agency should clearly require that poor persons must be hired to perform the outreach work. Money should be made available out of Section 32 [7 U.S.C. Sec. 612(c)] funds for the purposes of subsidizing local agencies' outreach efforts.

K. Section 10(e) (6) [7 U.S.C. Sec. 2019 (e) (6)]: Hearing Regulations and the Welfare Check-off

In order to comply with Constitutional "fair hearing" requirements, it is essential that the regulations guarantee food stamp recipients a hearing prior to termination or reduction of assistance authorizations. [See Goldberg v. Kelly, 397 U.S. 254 (1970)] This means that hearings must be conducted, and an adverse decision made against the household, before: such household is terminated from food stamp assistance; such household's coupon allotments are reduced; and such household's purchase requirements are increased. As a result of the Goldberg decision, any failure to comply with the above requirements would be violative of the Fourteenth Amendment's "due process" dictates.

The regulations should also require that households adversely effected by initial decisions, who file for fair hearings and win such hearings, should be entitled to retroactive authorizations so that they can secure their lost entitlements. This regulation would conform the Food Stamp Program requirements with the requirements of the Federally aided public assistance programs. [See H.E.W. Handbook of Public Assistance Administration, Part IV,

*It is recognized that this will require a few changes in the eligibility-determination procedures used for the Commodity Distribution Program. Nevertheless, the nutritional problems of migrants are often so egregious that such new procedures are imperative.

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Sec. 6200(k)], thereby assuring less complicated administrative procedures for the local welfare agency.

The "fair hearing" rights of households should be set out in detail so that protections are provided that will assure complete fairness in the hearing procedures. Such regulations would have the positive effect of preventing the utilization of hearing procedures that are in violation of Constitutional requirements. In this regard, the School Lunch Program regulations could be used as a helpful guide in the promulgation of similar food stamp regulations. [See 7 C.F.R. Sec. 245.11]

Finally, the welfare check-off regulations should clearly indicate that no public assistance household is to be coerced into participating in the Food Stamp Program without any harmful consequence to welfare entitlement or any other right.

L. Section 10 (h)(7 U.S.C. §2019 (h)): The "Meals on Wheels" Program.

The non-profit organizations and political subdivisions wishing to participate in the "Meals-on-Wheels" program should be permitted to receive federally donated foods from U.S.D.A., as long as such foods are not used in the "Meal-on-Wheels" program. This is crucial since many of the agencies that are likely to want to participate in "Meals-on-Wheels" will already be involved in other feeding programs that utilize federally donated commodities. The language of the Act supports such a provision insofar as it states that agencies wishing to prepare "Meals-on-Wheels" may not be "receiving federally donated foods from the United States Department of Agriculture for use in the preparation of such meals."

The meals prepared should be made available for service at a place where numerous elderly and feeble persons can eat together. Since millions of elderly and feeble persons "are unable to adequately prepare all of their meals", but such persons may not necessarily be confined to their home, they should be given the opportunity to eat in a setting that takes them out of isolation. Such a regulation would also assure that the "Meals-on-Wheels" program could be made available to a substantial percentage of needy elderly persons.

M. General Provision Enforcing Federal Supremacy In Regulations Governing the Food Stamp Program.

A regulation must be promulgated that clearly prohibits States from establishing more stringent eligibility criteria than

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is contained in the Food Stamp Act and the regulations promulgated thereunder. This would assure that the intentions of Congress could not be frustrated by State agencies. In addition, it would avoid possible unconstitutional attempts by State agencies to limit the number of households participating in the Food Stamp Program, this being unconstitutional insofar as Federal Statute has already preempted the applicable law. Such a provision, as an example, would prevent States from establishing more stringent work requirements that do not provide the protections accorded in the Act and the Federal regulations.

II. Regulations Relating to Other Parts of the Food Stamp Act.

A. Section 8(a) (7 U.S.C. Sec. 2017(a)): Approval of Retail Food Stores

This section sets forth the basis for authorizing stores to accept and redeem coupons under the Food Stamp Program. The most important provision under this section clearly requires that stores will be approved for Program participation if their "participation will effectuate the purpose of the food stamp program." Unfortunately, this provision has remained a meaningless phrase as far as food stamp recipients are concerned; this is because U.S.D.A. has failed to protect needy households from merchants' practices that are entirely inimical to the purpose of the Food Stamp Act --- i.e. increasing the food purchasing power of low-income households.

Numerous stores have frustrated the Act's purposes by implementing pricing practices that decrease the food purchasing power of the poor. The following frequently occurs: (1) prices of domestic food items increase as soon as stores are certified to participate in the Program; (2) prices of domestic food items increase during the period in the month that food stamp coupons are sold; and (3) prices of domestic food items, particularly for chain outfits, are higher in ghetto stores than in stores located in more affluent communities. Each of these practices is inconsistent with the purpose of increasing the food purchasing power of the needy. Consequently, stores perpetrating such practices should no longer be authorized to sell their food for stamp coupons.

B. Section 10(e)(2) (7U.S.C. Sec. 2019(e)(2)): Eligibility Certification Procedures

Under the Act, State agencies are required to "undertake the certification of applicant households in accordance with the general procedures ... used by them in the certification of applicants for benefits under the federally aided public assistance programs."

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In other words, whatever procedures are utilized for certifying households for welfare, those are the procedures that must be utilized for certifying families for food stamps -- whether or not such applicant households are receiving welfare.

This means that two essential provisions must be incorporated in the regulations. First, State agencies must certify applicant households for Program eligibility -- and provide them with their authorizations to purchase -- within 30 days from the first request for food assistance. This is the procedural requirement under all of the federally aided public assistance programs. (See Handbook of Public Assistance Administration, Part IV, Secs. 2200 (b)(3) and 2300 (b)(5). Second, State agencies must certify all applicant households -- whether or not they are public assistance recipients -- for Program eligibility through a simplified self-declaration system if the State agency utilizes such a system for public assistance eligibility determinations.

C. Migrant Eligibility Certification

Impoverished migrant households -- the group of persons most in need of Program benefits -- have usually encountered the greatest difficulties in obtaining food program benefits. As a result of bureaucratic obstacles and rigid regulations, migrants have been excluded from Program participation. U.S.D.A. must promulgate regulations that eliminate these unnecessary bureaucratic obstacles to meaningful migrant participation.

One of the most crucial changes that must be made has already been indicated. (See Part I, subpart I, p. 13, supra). Another necessary change deals with the method of computing eligibility certification -- for impoverished migrants -- to be accomplished on an annual basis. If a household qualifies for food stamps based on annual income computations, eligibility should be assured on a year-round basis, despite relatively high income levels during periods of seasonal employment. Moreover, such annual certification would prorate income on the basis of projected monthly income for each month of the year. This would help assure that monthly food stamp purchase requirements were realistically related to current income. Of course, because of the seasonal and unstable nature of the income receipts for the migrants, allowances would have to be made

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for permitting a household to have their stamp prices adjusted due to a variation from the projected monthly income. (A full report of the necessary changes for improving migrants' participation in the Food Stamp Program will be completed and submitted to you in the very near future)

III Necessary Change in the Commodity Distribution Program.

Since either the Food Stamp Program or the Commodity Distribution Program is in existence in almost every county, and since no counties currently are operating both programs, it is imperative that eligibility criteria for both programs be identical. Consequently, the national eligibility criteria promulgated by the Secretary pursuant to Section 5(b) of the Act (7 U.S.C., Sec. 2014(b)) should be promulgated for the Commodity Distribution Program as well. If otherwise, indigents in Commodity Distribution counties would be denied their Constitutional rights to equal protection insofar as they would be denied Federal food benefits on the irrational basis of their place of residence.

COMMENTS ON PROPOSED FOOD STAMP REGULATIONS
BY THE MIGRANT LEGAL ACTION PROGRAM, INC.
WASHINGTON, D. C.

Introduction

The recently proposed regulations of the food stamp program as it was recently amended by Congress pay little or no attention to the needs of migrant farmworkers and to the characteristics of their way of life. The migrant, constantly on the move to obtain employment, living either temporarily or permanently in a hostile environment, is different from any other poor person in this country.

In Section 271.4(a)(4)(iii)(d), the regulations recognize persons who receive their income from farm employment as a special class for certification. To guarantee that migrants receive the benefits of this program, the regulations must be redrafted to continue to extend this recognition to all the relevant portions of the program. Only by recognizing the mobility inherent in the migrant way of life and by designing the regulations to meet this problem, can the Food and Nutrition Service expect to bring food stamps to a substantial number of migrants. In our comments below on the regulations, an attempt has been made to remedy some of the particular problems in the various regulations as they pertain to migrant workers. Although this is by no means a satisfactory solution to the problem, adoption of these comments would assist migrants in establishing and maintaining their eligibility for the program.

The best solution to the problems encountered by migrants in dealing with the food stamp program would be simply to establish a national program exclusively for farmworkers. Farmworkers do not recognize the existence of state lines or project area jurisdictions. Migrants follow the crops. To adequately serve the migrants the USDA and the Food and Nutrition Service should also disregard state lines. By virtue of 7 U.S.C. 2013, the Secretary of Agriculture is authorized to formulate and administer a food stamp program for eligible households to receive a nutritionally adequate diet. Consistent with this and the intent of Congress in passing the Act, expressed in 7 U.S.C. 2011, it is our feeling that the responsible authorities have the power and the duty to establish a special program for the purpose of guaranteeing that migrants receive the full benefits of the food stamp program. This program should be operated on a nationwide basis and the regulations governing its operation should be drawn to meet the particular needs of the migrant and seasonal farmworker. For some 2½ million migrant and seasonal farmworkers and their families, the concept of federalism is a failure. A state-by-state system breaks down in any attempt to service the migrants. This is a proper area for a nationwide program attuned to this special group.

The U. S. Department of Agriculture has traditionally construed its authority and powers much more strictly than the courts have found to be the case. In Peoples v. USDA, Civil Action 5421-68 U.S. District Court, District of Columbia, it was found that the then promulgated regulations for the operation of the food stamp program, despite the position of the U.S. Department of Agriculture, were too narrowly drawn and did not carry out the Congressional intent in establishing the food stamp program. Similarly, in Jay v. USDA, U. S. Court of Appeals, 5th Cir., #29303 (April 19, 1971 opinion), the U. S. Department of

Agriculture, despite its protestations to the contrary, was ordered to establish either a food stamp program or a commodity distribution program in each and every county in the United States. These are but two examples of the Department's failure to construe its authorization as widely as is necessary to bring the benefits of these programs to the poor of the nation. The Department of Agriculture should not fall into the same position with regard to migrants. The power exists and it should be utilized to see that migrants receive an adequate diet.

COMMENTS ON FOOD STAMP REGULATIONS

Section 271.1(e)

In the past, the question of residency has made it difficult for migrants to obtain food stamps. Migrants are rejected because they lack intent to permanently reside within the state. However, the FNS and USDA should make it clearer that they mean the term "resident" in a legal sense, i.e., residing in the state or project area without the intent to permanently remain there, and that the term resident is not to mean domicile, i.e., a permanent establishment of living in a state with no intent to leave.

Section 271.1(h)

Another difficulty in obtaining food stamps, as was reported to this office, and relayed to the Assistant Secretary of Agriculture, Richard Lyng, is the long delay in making appointments for people to apply for food stamps. In at least one county in Michigan, persons seeking food stamps were given appointments as much as 30 days after their initial inquiries at the local food stamp office. Local offices should be told that this is unacceptable and the regulations should include a severe limitation on this treatment of applicants. Otherwise, migrant farmworkers, who spend short periods in different areas, will be unable to receive food stamp relief.

Section 271.1(k)

In order to make the outreach programs of state agencies more effective, regulations should be drafted to insure that the outreach operations and the local offices of the food stamp programs will use materials in languages other than English so that the substantial proportion of the people who are likely to be eligible for the benefits of the food stamp program can understand it.

Also, why are services in outreach to be taken only from federally-funded agencies and organizations? The regulations in question should be drafted to encourage state agencies and their local offices to avail themselves of the services provided by other organizations that do not necessarily receive any form of federal funding. Included in this group would be branches of the Migrant Ministry, outreach efforts of local churches, local organizations in areas designed to aid the farmworker, and most important, usbc groups and/or organizations as may be composed of migrants themselves or their representatives. Use of such groups is more likely to guarantee full participation in the food stamp program by those eligible households which can often be reached only by some informal organization or through the individual efforts of small groups or individuals.

Section 271.1(n)

Section 271.1(n)(3)

Included in the explanation of the household's right to request a hearing should be the guarantee that this request can be made simply by an oral declaration of such desire or checking a box on the notice of the proposed termination.

Section 271.1(o)

In the case of migrant farmworkers, the time limitation of 60 days for the completion of a fair hearing and the issuance of a decision is unreasonably long. In most areas where migrants work, and even in the home base states, it is highly unlikely that migrants would be in any one project area for more than 60 days. Indeed, often the case is that they stay in a given area for two or three weeks, and at the most for five weeks. By using its full allotted time under these regulations, a state agency

could, in effect, frustrate the entire purpose of the act and deny these needy people the benefits of the program. The Food and Nutrition Service must take into consideration the particular way of life and working of the migrants and draft special regulations in this regard and in other portions of these regulations to see that migrants are not denied the benefits of this program because of their mobility. For most of the needy, the issue of 30 days or 60 days is not as important as it is to the migrant. If the migrant is forced to wait a couple of extra weeks in order to receive the benefits of the program, it is likely that the work situation will force him to move on, and therefore abandon his application for food stamps. It would be unlikely for them to receive any benefits from the program.

Section 271.3(b)(1)(I)(a)

Migrant and seasonal farmworkers' income should fall within the income standards for eligibility for food stamps. The nationalstatistics for farmworker income show that all but a very small percentage of farmworkers earn incomes below the poverty level. The average income for a family of four who supplement their farm work with off season labor is approximately $2100-2200 per year. When the average farmworker does not supplement his income, he earns between $700-800 per year. Thus, nearly all farmworkers fall within the food stamp eligibility standards. It is often difficult to get a true reading of the farmworker's actual income from the grower or other possible sources of information. It is not required that growers provide farmworkers with withholding statements or pay slips when they are paid. The farmworker, therefore, has very little means of proving exactly how much he earns although it should be generally evident that what he does earn is more likely to exclude him from the benefits of the program. He should be automatically covered and eligible for the benefits of the food stamp program upon application and should not be denied these benefits without concrete evidence produced by the state agency showing that he is ineligible. Merely taking of the work of his employer should not be sufficient. Consideration should also be given to the mandatory but not statutory deductions which many employers take from the workers' pay; e.g., rent deducted for housing that the worker is forced to live in in order to keep his job, equipment, transportation, gas and electricity. This, in most instances, works to make the reported income of the farmworker illusory at best. Also, while he might make a substantial amount of money in one week, the changes in the weather or the poorness of a particular crop might leave him with no work the following week.

Section 271.3(b)(1)(IV)

The averaging or migrant income will be inadequate to insure that migrants receive the full benefits. No consideration is given to the debts that the migrants are likely to have accumulated during the prior winter when work was not available. In addition, it should be simple for the Food and Nutrition Service to project income for migrants over a coming period of time. The pattern of migrant life is fairly stable and averaging income over a 12-month period, or even over a quarterly period, would substantially decrease the benefits of this program for the migrant and seasonal farmworker. When the migrant needs help he usually needs it desperately. The regulations must be drawn so that the migrant can be assured that earnings in one period do not cause him an unfair reduction of his benefits in those periods when there is no work available.

Section 271.3(d) Work Registration Requirement

There are several questions about the work registration requirement provided in this section. First, why, if one member of the household refuses without good cause

to comply with the work registration requirements, is the entire household denied food stamp benefits? It seems more equitable that the household should be denied only those benefits due the dissenting member.

For the migrant, this regulation could have consequences far beyond those for the static poor. It is possible that at the time he registers, the migrant will have no work. Suppose the migrant registers one week, the application is referred to the local employment agency. He is then called for an interview but in the meantime he has obtained work, either in the area where he had applied, or in another state. Will his household be denied food stamps because he has not reported for the job interview? Will his certification for food stamps be held up while he is referred to several job interviews?

What should be the guidelines for determining good cause for refusal to comply with the registration requirements? Is it sufficient that the migrant in a relatively short time will be obtaining work in the stream? Is it sufficient that within a short time he will be moving from one food stamp area to another food stamp area?

The greatest problem with this regulation, as with many of the other regulations contained in this grouping, is that no consideration has been given to the unique elements in the migrant way of life.

Section 271.4(2)(III)

As was stated earlier, actual verification of migrant income is open to many questions. The comments expressed earlier at Section 271.3(b)(1)(I)(a) are totally applicable to this section.

Section 271.4(3)

Provision should be made for emergency certification of migrants, particularly when they are in the stream and working. They need their food stamps at these times as much as they need them when they are in their home base states. To allow a state to establish a 30-day period could deny many migrants the benefits of this program. Statistically, all migrants should be eligible for benefits of the food stamp program, and in reality, probably 90-95% of the migrants can easily meet any qualification standards established by FNS.

In general, it would be more effective if the regulations were designed to certify those who receive their income from farm operations or from farm employment for entire 12-month periods, and that the actual amount of coupon allotment be determined on a monthly basis, based upon the migrant's income for the previous month, or his projected income for the coming month. As migrant life varies very little from year to year, it should be relatively easy with a high degree of accuracy to project a monthly income for the migrant applicant.

Section 274.3(a)

The definition of major disaster should be redefined to include occurrances that prevent migrant farmworkers from obtaining the normally expected amount of work. The results of such disaster should not only be considered for the emergency determination of eligibility during the actual disaster itself, but there must be some regulatory recognition of the fact that such a disaster will materially alter the migrant's income for the entire year. If such an occurrance denies the migrant work during a period when he had a reasonable expectation of wokr, it is likely that the major proportion of his income will be lost for the entire year.

SENATE RESOLUTION 139—SUBMISSION OF A RESOLUTION RELATING TO REGULATIONS ISSUED UNDER THE FOOD STAMP ACT OF 1964

Mr. McGOVERN. Mr. President, last April 29, the Department of Health, Education, and Welfare released a long overdue national nutrition survey. While I have many questions about the survey, it did at least, reconfirm the existence of widespread malnutrition among America's poor.

That same day, in which must rank among the all-time ironies of governmental actions, the Department of Agriculture announced that its new food stamp regulations were going to eliminate a minimum of 340,000 persons from the food stamp program and reduce food benefits to another 1.75 million persons.

These dual and contradictory announcements were comparable to saying that an epidemic existed but that inoculations were being discontinued.

The fact that so many needy persons were going to be hurt by the new regulations published in the Federal Register on April 14, probably would not have come to light except for a hearing by the Senate's Select Committee on Nutrition and Human Needs.

Expert witnesses at the committee's hearing first reported that such a large number of persons, amounting to about 20 percent of all those participating in the program, were going to be disadvantaged. One witness, Mr. Ronald Pollack, Director of the Food Research and Action Center, said the number of persons hurt might be as high as 4 million.

The director of the food stamp program in New York City, Mr. Arthur Schiff estimated that 500,000 to 600,000, or 30 to 40 percent, of New York's 1 million food stamp recipients would drop out of the program.

On their face, the new regulations would appear to have the following effects.

Most of the aged, blind, and disabled in 10 States, including California, Connecticut, Illinois, Massachusetts, Nebraska, Nevada, New Hampshire, South Dakota, Vermont, and Washington would be rendered ineligible for food stamps by reasons of new income guidelines.

Most welfare recipients in New York, New Jersey, and Connecticut would receive severely reduced benefits because of the income guidelines.

Hundreds of thousands of other welfare recipients, including many aged and temporarily unemployed persons in such States as Colorado, Iowa, Louisiana, Minnesota, Nevada, South Carolina, and Texas would be prohibited from participating because of an arbitrarily low limitation of $1,800 on outside resources.

Additional hundreds of thousands of persons would be eliminated from the program by a new definition of what constitutes a household, essentially aimed at banning hippie communes, but also knocking out any household containing a nonfamily member.

Finally, the new regulations would create an administrative nightmare by requiring welfare recipients to be individually recertified regardless of whether they have been receiving benefits previously.

Mr. President, when I first heard that the new regulations would have these effects, I was incredulous. After all the work of the past years, I could not believe we were taking such drastic steps backwards.

Whatever else may be said about the new Food Stamp Act passed by Congress last year, I think we all believed that its overall purpose was to expand participation, to help feed more people, not less.

I am aware that the Department of Agriculture believes that about 1.7 million persons, living in the poorer States, will be made newly eligible for the program by the setting of a national standard of $4,320.

I hope this is so. But, as an editorial in the Washington Post stated so well just last Thursday:

It is fine that more of the poor in some states will now get much needed food, but what about the two to four million whose tables will now be stripped clean? What have they done to be ignored so suddenly? Is hunger and malnutrition in New York City, for example, easier on the stomach than in Sunflower County, Mississippi? If this strange decision by the Agriculture Department is a try at saving money, then it is assuredly a direct reversal of the President's intention "to put an end to hunger in America itself for all time."

The reaction to the publicity surrounding the new regulations has been swift—and distressing. Letters and telegrams have poured into the select committee. As an example, I would like to quote from one of these letters sent by an elderly lady living in California:

Dear Senator McGovern: I am writing this letter with a great deal of worry and anxiety in my heart. Someone is kindly typing it for me. I am an elderly widow, diabetic, and partially blind. I reside in California and have lived here for the past eight years.

I am now on a very meager fixed income (Social Security) augmented by aid from OAS, Medicare and MediCal, and, thankfully, food stamps.

In last night's newspaper I was told there is an article indicating that interpretation of the Agriculture Department's revised food stamp legislation can eliminate the old and disabled from the program entirely. It is hard for me to see how I could go on without the extra economic aid of food stamps. Why must the elderly poor and the disabled live in a constant state of worry over their futures? My husband worked hard during his life and died prematurely of cancer. Do we have to be left to starve, or to slowly die from worry over trying to balance a budget that becomes increasingly burdensome because of rising food costs? Cannot the administration see that someday they, too, may be old and poor and ill? Are our votes really that meaningless? Please remember us and our needs.

Mr. President, because of my concern regarding the new regulations, I wrote Agriculture Secretary Clifford Hardin requesting a 30-day extension on the comment period. I felt this extra time, from May 17 to June 16 was vital to allow the public at large to learn about the regulations and to write the Department of Agriculture regarding them.

I received a reply from Assistant Secretary Richard Lyng last Thursday, stating that the Department was denying the request for an extension. Mr. Lyng stated, in part:

In view of the attention which has been given to the proposed regulations we believe an extension of time for comments would not significantly increase the number of people who will comment.

I must say that I disagree strongly with this viewpoint. In fact, if there is one thing of which I am sure, it is that, given more time, hundreds of more persons would comment on the regulations.

It is for this reason that I am proceeding today with the submission of this Senate resolution calling on Secretary Hardin to extend the period for comment on the regulations from May 17 to June 16.

Joining me in cosponsoring this resolution, which I now send to the desk, are Senators CRANSTON, KENNEDY, HART, MONDALE, NELSON, HOLLINGS, MAGNUSON, HARTKE, RIBICOFF, CHURCH, BAYH, HUMPHREY, PASTORE, TUNNEY, MCGEE, MUSKIE, EAGLETON, BROOKE, PELL, RANDOLPH, GRAVEL, HARRIS, HUGHES, and WILLIAMS.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The resolution will be received and appropriately referred.

The resolution (S. Res. 139), which reads as follows, was referred to the Committee on Agriculture and Forestry:

S. Res. 139

Whereas, the Congress of the United States in 1970 revised the Food Stamp Act of 1964 for the purpose of providing every needy American with an adequate nutritional diet, and

Whereas, the Secretary of Agriculture was given the responsibility of issuing regulations to implement this purpose of the Food Stamp Act of 1964 as so revised by the Congress, and

Whereas, the Secretary of Agriculture issued such regulations on April 16, 1971, and provided a period of only 30 days for public comment on such regulations; and

Whereas, the effect of such regulations would appear to be to eliminate at least some 340,000 persons from the food stamp program and to reduce the food benefits under the program to another 1.7 million persons or more; and

Whereas, the aged, blind, and disabled in 10 States, including California, Connecticut, Illinois, Massachusetts, Nebraska, Nevada, New Hampshire, South Dakota, Vermont, and Washington would be rendered ineligible for food stamps by reason of the income guidelines under the new regulations; and

Whereas, most welfare recipients in New York, New Jersey, and Connecticut would receive severely reduced benefits by reason of the income guidelines under the new regulations; and

Whereas, hundreds of thousands of other welfare recipients, including many aged and temporarily unemployed persons, in States such as Colorado, Iowa, Louisiana, Minnesota, Nevada, South Carolina, and Texas would be prohibited from participating in the program by reason of an arbitrarily low limitation of $1,500 on outside resources; and

Whereas, for these and other reasons the new regulations appear to run counter to the avowed purpose of Congress to provide adequate nutrition to more, not fewer, persons. Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Agriculture should, and is hereby urged and requested to extend for a period of 30 days, from May 17, 1971, to June 16, 1971, the time within which interested persons, including Members of Congress, may submit their views and comments on the proposed food stamp regulations.

Mr. MCGOVERN. Mr. President, I have scheduled a hearing of the Select Committee on Nutrition for this Friday, May 14, and invited Assistant Secretary Lyng, as well as other members of the Agriculture Department to testify on the impact of the new regulations.

I ask unanimous consent to have printed in the RECORD a Washington Post editorial on the new regulations and Assistant Secretary Lyng's letter denying my request for an extension of time for public comment on the regulations.

There being no objection, the letter and editorial were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., *May 5, 1971*.

Hon. GEORGE MCGOVERN,
Chairman, Select Committee on Nutrition and Human Needs, Washington, D.C.

DEAR SENATOR MCGOVERN: We acknowledge receipt of your letter of May 3 in which you express concern that we have allowed insufficient time for comment on the proposed regulations for the food stamp program.

To delay for thirty days the implementation of the new program as you suggest, would be to delay substantially increased benefits to a large number of currently ineligible families.

We are pleased to have your comments. They will be considered along with the others we are receiving. All comments postmarked before midnight May 17 will be given consideration in the regulations we adopt.

In view of the attention which has been given to the proposed regulations we believe an extension of time for comments would not significantly increase the number of people who will comment. We must, therefore, respectfully deny your request to extend the period of comment until June 17.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

FOOD STAMPS AND THE HUNGRY

The intent of the 1970 Food Stamp Reform Act was to attack hunger and malnutrition by including more people in the food stamp program and by providing more generous benefits. The regulations were hailed by President Nixon and by millions of the hungry themselves. Among its reforms, the new law replaced the uneven standards set by the states, for example, in one state, a family of four could have an income of $4,000 and qualify for food stamps, while in another, a family earning $3,000 could not qualify. The 1970 act pushed that aside and set one national standard—a maximum of $4,500 for a family of four. A second feature was that the approximately 13 million citizens on welfare were automatically eligible for food stamps. Since this group had already submitted once to the ordeal of administrative paperwork, why make them and the food stamp officials go through it again to establish eligibility standards?

While this reform was far from the ideal way of getting food to the hungry and poor, it surpassed previous methods and was seen as a constructive move. Now, however, the Agriculture Department has proposed new food stamp regulations which, if given final approval by officials, will be a major source of agony to large numbers of the poor. The new regulations propose, in effect, to make more people eligible for stamps in the South and scattered states—where the eligibility requirements are now especially severe. A trouble with this is that from two to four million of the poor in industrial Northern and Western states will lose their present benefits or see them reduced.

It is fine that more of the poor in some states will now get much needed food, but what about the two to four million whose tables will now be stripped clean? What have they done to be ignored so suddenly? In hunger and malnutrition in New York City, for example, easier on the stomach than in Sunflower County, Mississippi? If this strange decision by the Agriculture Department is a try at saving money, then it is assuredly a direct reversal of the President's stated intention "to put an end to hunger in America itself for all time."

The proposed food stamp regulations are not scheduled to go into effect until May 17. Until then, concerned citizens and their political allies in federal, state and local governments have the opportunity to protest the plan. The grossness of taking food away from people should not require long reflective thought in order to reach a decision.

Mr. MCGOVERN. Mr. President, today I am cosponsoring the resolution authored by the distinguished chairman of the Select Committee on Nutrition and Human Needs, Senator MCGOVERN, to extend the period for public comment on the new food stamp regulations proposed by the Department of Agriculture.

At present the food stamp program provides assistance to less than half the Nation's poor and it does so at inadequate nutrition levels. The regulations under consideration would decrease or eliminate food stamp benefits for at least 2.1 million of the 10½ million program participants, according to the Department of Agriculture's own estimate.

The national eligibility standards proposed to implement the 1970 Food Stamp Act would, among other things, virtually eliminate the food stamp program in urban States such as Connecticut, New York, and New Jersey through the imposition of unduly severe eligibility requirements.

In Connecticut, participation would drop so dramatically that it would not be worthwhile to continue the food stamp program. Over 130,000 of Connecticut's poor would face the increased likelihood

of a life of malnutrition, welfare, and sickness as a result of these cutbacks. The Connecticut Nutrition Programs Coordinator, Albert R. Science, has commented in a letter to me that the regulations "do a great disservice to the people in Connecticut."

It is a cruel irony that the food stamp regulations limiting benefits were fettered so closely by a Government nutrition survey indicating that at least 25 percent of America's poor are so anemic or lacking in essential vitamins that they need medical attention. Senator McGovern and others have observed that the nutrition survey seriously understates the dimensions of the problem.

If we are going to commit ourselves to eradicating poverty, we must begin to coordinate our efforts. We cannot, on the one hand, promise a welfare program designed to get more people off the welfare rolls into jobs while, on the other hand, cutting back food benefits, thus assuring that malnutrition and its effects will keep our welfare rolls filled.

Providing inadequate food or cash benefit programs for the poor in the name of fiscal responsibility is, at best, penny-wise and pound foolish. What we save in cents by cutting back food benefits will be dwarfed by the inevitable consequences of that neglect—a lifetime of welfare assistance to compensate for malnutrition.

While we debate economies in the Federal budget, millions of Americans are going hungry and actually starving to death in this land of milk and honey.

We should be increasing our commitment to aiding those in America who are undernourished, not decreasing it. Our resolution will not solve this problem by itself, but I am hopeful that the increased time made available for comment on the USDA regulations by our resolution will provide an opportunity for Congress and the American public to raise their voices in protest against a proposal that will people less of the time.

Mr. PERCY. Mr. President, I, too, am distressed by the new food stamp regulations recently proposed by the Department of Agriculture. For while I think the Department should be commended for expanding coverage of the food stamp program, I can only deplore the elimination of any present recipient from the same program, especially when the majority of those are estimated to be the elderly. The Congress clearly did not intend this result.

Furthermore, I am deeply concerned by what appears to have been, in several instances, misinterpretations of the will of Congress. No one as yet has estimated the actual effect of these sections, but they strike me as being restrictive and narrow. I am particularly concerned by the unusual definition of "household," by the setting of "maximum" rather than "minimum" national standards of eligibility, and by the too limited variable purchase requirement. For these reasons I have today joined by my distinguished minority colleagues on the Select Committee on Nutrition and Human Needs—Mr. COOK, Mr. DOLE, Mr. BELLMON, Mr. SCHWEIKER, and Mr. TAFT—transmitted our comments and recommendations to the Secretary of Agriculture.

Since the proposed regulations do not become final on May 17, but only after the Department has considered all the public comment heard during the 30-day period it granted for debate, I personally feel that the constructive tenor of our letter is the most effective method by which to bring about the kind of adjustments in the regulations which I would like to see.

While I am never opposed to providing sufficient time for the public to comment on any issue, I do not think that an extension in this case is really necessary. In fact, I find it difficult to believe that additional time for public comment will bring forth any more compelling evidence to change the regulations that I personally have heard in just the last 2 weeks alone. I ask unanimous consent at this time to have the letter to Secretary Hardin printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, SELECT COMMITTEE, ON NUTRITION AND HUMAN NEEDS,
Washington, D.C., May 10, 1971.

Hon. CLIFFORD M. HARDIN,
Secretary, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: In response to Assistant Secretary's Lyng's letter of April 16, 1971 to Senator Percy concerning the proposed revisions of the Food Stamp Program regulations, we have taken the opportunity of his kind invitation to comment on those regulations. As Minority Members of the Select Committee on Nutrition and Human Needs, we all join in this constructive effort.

We believe that the Department should be fully commended for its thorough and diligent revision of the entire regulations. It was a job that was completed in slightly more than three months; and, in addition, one which generally demonstrates the determination of the Department in its continuing effort to seek solutions to the problem of hunger in America.

We understand your request to work with the Department "toward the goal of improving the nutritional level of all needy people" to be an attempt to gain our critical comments on the actual substance of the proposed regulations. We have, therefore, undertaken this particular course of detailed response because we believe that this will be the most effective contribution that we can make in this matter. Let us make clear that we will not join Senator McGovern in his resolution to extend for 30 days the time for public comments on the proposed regulations.

We realize that in drafting regulations pursuant to any act of Congress, the respective delegee is usually given wide latitudes of discretion and limited ministerial powers. It is difficult for anyone to substantially counter these acts. And with regard to them we can only raise questions that seek an answer or necessitate an interpretation. Yet, these are areas of regulation-making which depend not so much on discretionary powers but more on the interpretation of the law and the intent of Congress. It is these areas with which we are primarily concerned at this time and which we desire to rectify through our mutual efforts.

As we have previously stated, there is much that is commendable in the new proposed regulations. The "certification of household" procedures under § 271.4 of the proposed regulations are an excellent example of the positive workable elaboration of the law. What is, in effect, an initial attempt at "self-certification" for public assistance families is a step in the right direction [§ 271.4(a)(1)]. So, too, are the provisions which permit certification continuation for migrants and others [§ 271.4(a)(3)], and simplification and standardization of the procedure of recertification [§ 271.4(a)(6)].

One particular aspect of the proposed regulations that relies heavily on the intent of Congress—and thereby in this instance fulfills the will of Congress—is Section 3(c)(b) of Public Law 91-671 which deals with acceptable minimum wages for suitable work. The applicable section states that no able-bodied adult person shall be eligible if he "has refused to accept employment or public work at not less than (i) the applicable State minimum wage, (ii) the applicable Federal minimum wage, (iii) the applicable wage established by a valid regulation of the Federal Government authorized by existing law to establish such regulations, or (iv) $1.30 per hour if there is no applicable wage as described in (i), (ii), or (iii) above." However, the proposed regulations indicate that no employment shall be considered suitable unless the wages offered are "less than the highest of . . ." the four categories designated in the law, [§ 271.3(d)(3)]. The Department has apparently looked to the explanation contained in the Report of the House Committee on Agriculture (*Report No. 91-1605, page 11*) in reaching their interpretations since there it is stated that "it is the clear intent of the committee that no work should be required at wages less than the higher . . ." of the same four categories. In this instance where interpretation is necessary, the Department has looked to the intent and will of Congress which is within the valid exercise of its delegated powers.

In addressing ourselves to those sections of the proposed regulations which we feel ought to be re-interpreted in light of Congressional intent, we shall attempt to recite Congressional language which we believe supports our interpretation and will thereby aid you in ultimately revising the regulations.

1. *Definition of Household.* Section 3(c) of the law provided a definition of "household" which meant ". . . a group of related individuals . . . or non-related individuals over age 60 who are not residents of an institution or boarding house, but are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common." The intent of Congress in redefining household in this manner was already contained in the Conference Report (*Report No. 91-1793, page 8*). There the Conference stated that "the conference substitute includes language which is designed to prohibit food stamp assistance to communal 'families' of unrelated individuals." As Senator Miller pointed out on the floor of the Senate (*Congressional Record, 91st Cong., 2nd Sess. December 31, 1970, S21662*), this definition of the provision was "designed to exclude households consisting of unrelated individuals under the age of 60 (such as hippy communes)."

It appears that the so-called "anti-hippie commune" provision was to deny food stamp eligibility to unrelated individuals only. Yet the Department in § 270.3(d)(1) of the proposed regulations adds that "when all persons in the group are under 60 years of age, they (must be) all related to each other . . ." This added requirement would have the effect of eliminating from eligibility families who might happen to have "taken in" a friend out of kindness. Certainly, this was not the intention of Congress. Even the Supreme Court of the United States has indicated in an analogous situation pertaining to the effect of the "man-in-the-home" rule that "Congress must have intended that the children in such a situation remain eligible for

AFDC assistance notwithstanding their mother's impropriety." (*King v. Smith*, 392 U.S. 309, 1967)

Therefore, we suggest that "household" be redefined to meet the intent of Congress. Perhaps, the related members of a household might remain eligible or become eligible on their own merits by "fractionation." Or perhaps the Department might broaden the definition of "affinity" in § 270.2(kk) to include for eligibility a household that contained a related family unit and an unrelated individual. In any event, the Congress did not intend to make ineligible anyone more than "unrelated individuals."

2. *Uniform Standards of Eligibility.* Section 5(b) of the law provides that the Secretary of Agriculture, in consultation with the Secretary of Health, Education and Welfare, shall establish uniform national standards of eligibility for participation and that no plan of a State "shall be approved unless the standards of eligibility *meet* those established by the Secretary." In interpreting this provision, the Department has set "the maximum allowable monthly income standards for determining eligibility." (*Notice*, FSP No. 1971-1).

Congress stated only that the standards be uniform, but Senator Ellender indicated in the Senate that while national eligibility standards were not specified as in the Senate bill he had "... every expectation that this will be set by the Secretary of Agriculture at the Federal poverty level, as was done with the national school lunch program. This national eligibility level should permit millions more to take part in the program." (*Congressional Record*, 91st Cong., 2nd Sess., December 31, 1970, 521088) And the dissenting views of Congressmen Foley and Lowenstein in the Report of the House Committee on Agriculture stated that the effectiveness of uniform eligibility standards "... is diminished by the failure of the Committee to define a specific and adequate income amount below which the States cannot go." (*Report No. 91-1408*, page 30)

Both the Senator and the Congressmen appear to have viewed the national standards as a floor rather than a ceiling on eligibility. Senator Ellender envisioned a level above which the States could go as they do in the National School Lunch Program. And, the Senate bill to which he referred included language that "... in no case shall the minimum income level prescribed by the Secretary be less for any household than the equivalent of $4,000." (S.2547, 91st Cong., 1st Sess., Section 8, page 5). The two Congressmen, while decrying the failure of the Committee's bill to establish a specific income level, quite naturally assumed that such a level would be a floor rather than a maximum amount. Finally, the language of the law itself provides that the eligibility standards of State plans "meet" those established by the Secretary. The use of "meet" implies the process of "coming into conjunction with" (*Webster's Seventh New Collegiate Dictionary*) and therefore indicates that, at a minimum, those standards should simply conjoin those set by the Secretary. This language clearly did not intend to prohibit a state from setting its standards above those uniform minimum standards established by the Secretary. The intent of Congress was positive here, as Senator Ellender has indicated, in both bringing new people within the national eligibility standards and also in maintaining those already eligible and above that floor.

3. *Variable Purchase Requirement.* Section 7(b) of the law provides that the Secretary shall afford eligible recipients a "reasonable opportunity ... to elect to be issued a coupon allotment having a face value which is less than the face value of the coupon allotment authorized to be issued ..." Although the regulations [§271.6(d)(3)] appear essentially to reflect the language of the law by permitting variable purchase of quarter portions of an authorized monthly allotment, the Department's subsequent explanations of this regulation do more harm than the limited advances the regulation seems to have accomplished. Both in the Department's press release issued with the regulations (Press Release, USDA 1215-71, page 3) and in the publication of the Food and Nutrition Service of the Department (*Food and Nutrition Newsletter*, USDA No. 8, April 15, 1971, page 2) it is indicated that "if a family chooses less than its full allotment during any purchase period, it would not be permitted to return later for the balance for that period." This interpretation would have the effect of allowing a family to purchase one-fourth of their allotment during the first half of the month but to forego entirely the remaining portion of that allotment.

Variable purchase first appeared in the House passed version of the law, and the Agriculture Committee Report indicated that "this change is recommended so as to facilitate participation of households who are paid on other than a monthly basis and find it difficult to amass sufficient cash to purchase their entire monthly authorization." (*Report No. 91-1408*, page 16). On the Senate side, Senator Ellender explained that this section "permits household(s) to purchase at each issuance date *all or any part* of its monthly allotment not previously purchased." (*Congressional Record*, 91st Cong., 2nd Sess., December 31, 1970, 521089). It would appear that these statements reflect an attempt to provide an eligible household a true right of election in regard to variable purchase, rather than the election "out" after an initial variable purchase that the Department has mandated.

In this instance we do not believe that the Department's interpretation is in harmony with the clear intent of Congress. Variable purchase means that an eligible household may purchase any quartile of its allotment at any time of issuance within a particular month. We do not presume to advise the Department on how to establish administrative procedures for the implementation of the variable purchase requirement, but it strikes us that if provision for issuance of one-quarter, one-half or three-quarters of an allotment can be made, then the issuance of the remainder of that allotment should not be too difficult to conceive and execute.

These are the three basic provisions of the proposed regulations which we believe the Department has both misread and misinterpreted to varying degrees in terms of the intent of the Congress. In addition, we are concerned about three other subjects of the proposed regulations which are to be found more within the parameters of discretion and the area of ministerial duty that we discussed earlier.

A. The proposed regulations clearly indicate, as was the intent of Congress, that a student over eighteen years of age who is not living at home but "who is claimed as a dependent for Federal income tax purposes by a member of a household which is not certified as being eligible for food assistance shall be ineligible to participate in the program ..." [§ 271.3(c)] The important question, though, is the status of a student who is over eighteen, living away from home, and claimed as a dependent but whose family is eligible for assistance under the Food Stamp Program. Is such a student eligible then on either the grounds of an inverse reading of § 271.3(c) or on the merits of his own eligibility?

B. The proposed regulations indicate that income will include "scholarships, education grants (including loans on which repayment is deferred until completion of the recipient's education; fellowships, and veterans' education benefits" [§ 271.2(h)(1)(i)(h)]. We question, first of all, whether this provision pertains to the family of a student recipient living within his parental household and/or to the family of a student recipient living away from home. Regardless, we believe that the inclusion of these items is a new departure by the Department and one which places it in direct conflict with the "exclusion from income" provisions contained in the Administration's proposed Family Assistance Plan (HR 1, 92nd Cong., 1st Sess., Section 443(b)(7), page 146) and the existing Internal Revenue Code (Section 117 of the *Internal Revenue Code* of 1954). We would hope that the Department will be able to adjust this provision in order to bring it into conformity with other relevant existing statutes and regulations. After all, such an inclusion in income would work a hardship that would force an otherwise eligible family to make the impossible choice between food and education.

C. Finally, we are interested and concerned about the Department's immediate plans to establish the "special standards of eligibility and coupon allotment schedules" for Puerto Rico, Guam, and the Virgin Islands which were mandated by Section 5(b) of the Food Stamp Act of 1964, as amended. We believe that the most rapid implementation of this provision to expand the umbrella of the Food Stamp Program will bring some relief to the conditions of poverty and hunger and also extend the equal protection of the laws of the United States as was the intention of Congress.

We greatly appreciate this important opportunity to comment on the proposed regulations of the Department. It is an opportunity which permits the Congress to further amplify and interpret its own will and intent for the benefit of the Department of Agriculture in revising its regulations, especially in those instances where the Congressional language itself has been either unclear or confusing. We do not pretend to infringe on the rightful discretion of the Secretary in these matters, but only to aid him within the bounds of his kind invitation and the prerogatives of Congressional powers. We fully understand the processes of promulgating such regulations, and strongly reiterate our praise for the great progress that has been achieved by this Administration in closing the hunger gap in America. We understand also that any further changes or clarifications on the Food Stamp Program beyond those [illegible] which we have strongly urged must come from the Congress itself.

We thank you for this unique opportunity and hope that we can continue to work together for a better Food Stamp Program.

Sincerely,

CHARLES H. PERCY,
MARLOW W. COOK,
ROBERT J. DOLE,
HENRY L. BELLMON,
RICHARD S. SCHWEIKER,
ROBERT TAFT, JR.

Mr. KENNEDY. Mr. President, I feel it is vitally important for the Senate to take this opportunity to consider recent action announced by the U.S. Department of Agriculture because of the deleterious effects that action will have on hungry Americans.

As a result of the efforts of the very able chairman of the Select Committee on Nutrition and Human Needs, my attention and that of others in this Senate has been focused on new regulations affecting the Federal food stamp program proposed by the Department of Agriculture. According to a notice published in the Federal Register, April 16, the Department intends to lower the level of the maximum income allowed for participation in the food stamp program. And presumably, the purpose of this move

to be save money. Yet, the tragic effect of the new rules will be to eliminate thousands of hungry citizens from the rolls of the food stamp program.

It seems that the new rules stand in defiance of the President's intention to bring an end to hunger in America for all time. The Department's plans would wipe out the assistance now received by hundreds of thousands who receive benefits in those States that have struggled to meet the requirements for nutritional adequacy among the poor. The new rules, as I understand them, will extend benefits to some families that have never shared the benefits of food stamps. No one denies that this is a proper goal for us to seek. But, this in no way provides a reasonable justification for removing from the rolls, other families that now share in the program's benefits.

As the Washington Post editorialized last Thursday, it is as if "hunger and malnutrition in New York City, for example, is easier on the stomach than in Sunflower County, Mississippi."

The effect of this move penalizes not only needy recipients but also the actions of concerned officials in those States that have struggled to reach a level of adequacy for their needy residents. Unbelievably, States with the highest levels of assistance payments, are the States in which hungry people will be stripped of assistance. Thus, in Massachusetts, a majority of the elderly, blind, and disabled recipients of public assistance will be cut off from the food stamp program. I wrote the Secretary of Agriculture protesting the new rules because I find it difficult to explain why 30,000 elderly Massachusetts residents who, until now, have been eligible for participation in the food stamp program, under the new rules, will be denied this vital assistance.

At the same time, I want to know why all of the 3,100 public assistance recipients in Massachusetts who are blind and the 20,000 residents of my State who are permanently disabled have to be cut off from a program that can deliver the essentials of a good diet for them.

We know that across this country about 2 to 4 million people will be denied assistance because of this new regulation.

What have they done to be ignored so suddenly? And it makes sense to ask that question, because the Department's action ignores the persistent demand to do something that will end hunger for all who are needy. Yet, the Department's latest action is not responsive to the continuing demands for guaranteeing a minimum level of adequacy for those who are deprived.

Not only will the new rules cause people to be directly dropped from the rolls; the rule change will force off others who find it too expensive to purchase foodstuffs under the new purchase limit.

A four-member family living in Massachusetts receiving a monthly assistance payment of $300, now spends $78 of that to buy $192 worth of food in the stamp program. The new regulations will force that family to spend $7 more to gain only $3 in added benefits. I am anxious to learn what explanation makes that kind of administrative change justifiable. If indeed it is solely for the sake of saving money then its effect can only be justified by a grossly distorted sense of national values.

I am convinced that if this Government can move to guarantee the existence of a failing aircraft company, it must move to ensure subsistence for its hungry citizens.

For that reason, Mr. President, I strongly endorse the resolution offered by my able and skillful colleague who serves as chairman of the Select Committee on Nutrition and Human Needs. I have worked diligently with him throughout the life of this committee to bring help to those who have needlessly been denied quality diets and healthful living conditions. I firmly believe in the committee's mandate to uphold maximum efforts in the fight against hunger.

And, that is why we are urging the Senate to approve this resolution which will allow more time for the public and the Congress to respond to the Department's proposals concerning revisions to the Federal food stamp program.

FROM THE OFFICE OF
HONORABLE ADLAI STEVENSON, III, U.S.S.

FOR MORE INFORMATION:
Boren Chertkov
225-4538

FROM THE OFFICE OF
HONORABLE JAMES G. O'HARA,
M. C.

FOR MORE INFORMATION:
Jim Harrison
225-8881

FOR RELEASE MAY 19, 1971

Many of the men and women who pick the food for America's tables will find it difficult to obtain food stamps so they may share in that abundance if pending U. S. Department of Agriculture regulations are approved, according to the Chairmen of the two Congressional Committees which deal with the problems of farmworkers.

Senator Adlai Stevenson, III, (D-Ill), Chairman of the Senate Subcommittee on Migrant Labor, and Representative James G. O'Hara (D-Mich), Chairman of the House Subcommittee on Agricultural Labor yesterday urged the Department of Agriculture to reconsider and revise its proposed new regulations for participation in the food stamp program. Stevenson and O'Hara urged particularly that steps should immediately be taken to institute a national food stamp certification and distribution program for farmworkers, for whom, they said, "a national focus is essential."

In their criticisms of the pending regulations, the two lawmakers stated "It is particularly ironic to discover that in the distribution of food stamps the worker whose efforts are essential to the availability of fresh fruits and vegetables will be discriminated against."

"Few affirmative steps," their joint letter continued, "have been taken to assure in a positive way that migrant and seasonal farmworkers will receive full benefits of this program."

***

Text of the joint letter attached.

May 17, 1971

Mr. James E. Springfield, Director
Food Stamp Division
Food and Nutrition Service
U.S. Department of Agriculture
Washington, D.C. 20250

Dear Mr. Springfield:

As Chairmen respectively of the Senate Subcommittee on Migratory Labor and the House Subcommittee on Agricultural Labor, we are writing you to indicate our concern over the thrust of pending food stamp regulations now under consideration by the Department of Agriculture.

Neither of us has been Chairman of our respective Subcommittees for very long, but it does not take very long to discover that in almost all federal programs, the farmworker is the last to be adequately covered, or the first to find that his eligibility for program benefits is limited in degree or duration. It is particularly ironic to discover that in the distribution of food stamps the worker whose efforts are essential to the availability of fresh fruits and vegetables will be discriminated against by the proposed regulations.

We are aware that others have called your attention to the flaws in the proposed regulations, particularly as they affect farmworkers. Inadequate consideration appears to have been given to the unique elements of the migrant way of life--their existance in rural areas, their constant mobility, and their exclusion from existing social and worker benefit programs.

Issues which have especially been brought to our attention include the emphasis on households as eligible units--a term that is most difficult to define in view of the realities of the farmworker's life style; the requirements for detailed documentation and verification of earnings--an inappropriate measure for migrant farmworkers with sporadic and unpredictable earnings engaged in seasonal work; the continued emphasis on discriminatory residence requirements; and, administrative procedures for certification, establishing and maintaining eligibility, and fair hearing and appeal procedures that lack time considerations applicable to a mobile population.

These issues and others will undoubtedly make it difficult for those people who need food stamp programs the most to obtain benefits. In fact, it appears that few affirmative steps have been taken to assure in a positive way that migrant and seasonal farmworkers will receive full benefits of this program.

In view of the seriousness of the situation, and the widespread hunger and malnutrition that characterizes this element of the nation's work force, we urge the following course of action:

1. A special task force with a significant representation of migrant and seasonal farmworkers should be established to study the extent to which benefits of the food stamp program are made available to migrant and seasonal farmworkers. The task force should be directed to report back within 90 days with suggestions for improving the delivery of food stamp program benefits to farmworkers; and,

2. Steps should immediately be taken to establish a national food stamp certification and distribution program for farmworkers. Such a national focus is essential, for the migrant farmworker in particular is constantly on the move to obtain employment, living either temporarily or permanently in a hostile environment, and excluded from programs.

We urge that you make a careful study of our objections and proposals, as well as suggestions which you may have received from organizations who have a working familiarity and expertise with the needs of the migrant and seasonal farmworker. In view of the seriousness of this matter, and our respective Subcommittees' interest in continuing our investigation into the adequacy of our nation's food programs as they affect farmworkers, your immediate attention to these issues will be greatly appreciated.

Sincerely,

Adlai E. Stevenson III, Chairman
Subcommittee on Migratory Labor

James C. O'Hara, Chairman
Subcommittee on Agricultural Labor

OFFICE OF ECONOMIC
OPPORTUNITY

EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON, D.C. 20506

MAY 12 1971

Mr. James E. Springfield, Director
Food Stamp Division
Food and Nutrition Service
U. S. Department of Agriculture
Washington, D. C. 20250

Dear Mr. Springfield:

Thank you for the opportunity to comment on the proposed regulations governing the operation of the Food Stamp Program under the new amendments to the Food Stamp Act.

Our concern is that many farmworkers may not be able to benefit from the food stamp program because several of the draft regulations, written with the geographically stable, urban poor in mind, would unintentionally exclude many farmworkers from participation.

The most reliable data available indicates that there are approximately 5,500,000 people in farmworker families, of whom 1,000,000 are in migratory farmworker families. Their household income (including the amount that the fortunate ones manage to earn from non-agricultural labor to supplement their farmwork wages) averages less than $2,200 annually. Consequently, they would clearly constitute a large segment of the population for whom the food stamp benefits were enacted.

The specific provisions of the proposed regulations which would tend to deny benefits to farmworkers or which would create obstacles to their full participation in the program are enumerated in the attached memorandum. In each case we have summarized the problem and have suggested language modification to remedy the situation.

It is with some misgivings, however, that we have commented on the draft regulations ad seriatim. It is our conviction that a system which depends on State plans cannot adequately serve people whose livelihood requires them to move across State lines with greater frequency than normal processing can accomodate. The only place among the draft regulations where any group is singled out for particularized treatment is 271.4(a)(4)(iii)(d), which speaks to twelve-month certification of farmworkers. We infer, then, that USDA is empowered to extend that particularization beyond certification time to other aspects of the Food Stamp Program.

Accordingly, we should like to recommend in the strongest possible terms that USDA consider developing a separate national Food Stamp Plan for farmworkers, which would operate for the benefit of farmworkers without regard to State or county lines.

Thank you in advance for your consideration. We should be grateful for an opportunity to discuss these recommendations verbally if our efforts to be brief have rendered our suggestions unclear or unconvincing.

Sincerely,

/s/ Mary A. Weismer

for Ruth Graves
Director
Migrant Division

Enclosure

PROBLEMS POSED FOR FARMWORKERS IN THE PROPOSED REGULATIONS
IN THE FOOD STAMP PROGRAM

I. Section 270.2 - Definitions

A. 270.2(dd): Definition of "Household"

PROBLEM: To save expenses, many farmworker families will share cooking facilities but do not cook or eat together or in any other way act as one family. Yet, a narrow construction of the rule might render some such families ineligible for separate participation.

RECOMMENDATION: Amend the section by addition of a new sentence: "Families using the same cooking facilities but not cooking together shall be regarded as constituting separate households."

B. 270.2(kk): Definition of "related"

CONCERN #1: Relationship by compadrazco (godparenthood) is quite common among Mexican American farmworkers and should be stipulated in the enumeration of relationships.

CONCERN #2: State plans should be precluded from limiting the inclusiveness of relationships based on affinity or in loco parentis.

C. 270.2(qq): Definition of "student"

PROBLEM: An ambiguity about students' summer income has given rise to different interpretations in different counties.

RECOMMENDATION: Amend the section so that it would read: "Student means an individual who has not reached his 22nd birthday and who is attending at least half-time, as defined by the institution, a grade school, high school, vocational school, technical school, training program, college or university. Students on vacation in the summer, between terms, or at other times designated by the institution as official holidays or vacation periods shall still be regarded as students."

II. Part 271, Participation of State Agencies and Eligible Households

A. Section 271.1, General Terms and Conditions for State Agencies

1. 271.1(a)(3)(i): Commodities

PROBLEM: The poorest counties will need both stamps and commodities because sometimes very poor families will not be able to afford stamps (regulations and deductions preclude project areas from certifying many very poor farmworkers as eligible to obtain stamps at no purchase price).

RECOMMENDATION: Delete sub-sub-section (i).

2. 271.1(e): Residency

PROBLEM: Many migrants have been unable to obtain food stamps because of the lack of intent to reside permanently within the State. The definition needs to be free of any language which would permit local inferences that temporary residents are to be excluded.

RECOMMENDATION: Add to the section: "Residence shall not be construed to mean domicile; and intent to permanently remain in the State shall not be a condition of eligibility."

3. 271.1(g): Personnel Standards

This section should be clarified to prohibit States from denying certification to farmworkers.

4. 271.1(h): Administrative Financing

PROBLEM: A time lapse of 30 days after the initial inquiry constitutes an unreasonable delay. The upshot for many migrants who spend short times in several counties is that they never receive food stamps.

RECOMMENDATION: Add to the sub-section: "Applicants from migratory farmworker households shall be served in no less than 5 days from the receipt of the Application for Participation."

5. 271.1(k): Outreach

PROBLEMS: (a) Many farmworkers are Spanish-speaking and do not understand, much less read, English.

(b) Services only from Federally-funded organizations may result in less than full participation in the Food Stamp program by eligible farmworker households, which frequently can only be reached through informal means, by groups without Federal funds.

RECOMMENDATIONS: (a) Regulations should be drafted to require outreach operations in areas with a substantial number of Spanish-speaking poor people to utilize bi-lingual materials and bi-lingual outreach staff.

5. 271.1(k): Outreach - Cont'd.

RECOMMENDATIONS: Cont'd.

(b) Regulations should strongly encourage State agencies and their local offices to avail themselves of the services of groups and organizations that may not receive any form of Federal funding, e.g., the Migrant Ministry, local organizations designed to assist farmworkers, organizations composed of farmworkers themselves, etc.

6. 271.1(n): Notice of Adverse Action. Subsection (3): "Request for Conference."

RECOMMENDATION: The regulation should guarantee that the request can be made simply by an oral declaration of such desire or checking a box on the notice of the proposed termination.

7. 271.1(o): Fair Hearing

PROBLEMS: (a) Time. By using its full allotted time under this provision (60 days), a State agency could in effect frustrate the purpose of this Act, for most migrants do not remain in the same project area for more than 3-5 weeks.

(b) Status pending hearing. If food stamps are denied pending a hearing, migrants whose eligibility is questioned will be denied the program's benefits. Even if the hearing decides in the household's favor, the latter may already be out of state and unlocatable.

RECOMMENDATIONS: (a) The time limitation for obtaining a fair hearing and its result should be reduced to 10 working days maximum (this is consistent with 271.1(o), subsection (3), which stipulates that the hearing is to be held at the household's convenience.

(b) When asking for a hearing, the household should be permitted to continue in the program pending determination by the hearing.

8. 271.1(p): Credit for Lost Benefits

RECOMMENDATION: Provision should be made so that the credits for lost benefits will be transferred to another county or state when the household moves.

B. Section 271.3, Household Eligibility

1. 271.3(e): Household

PROBLEM: (same problem explained in response to 270.2(dd))

RECOMMENDATION: Add to second sentence between "quarters" and "shall": "...and who share kitchen facilities, cook, eat, and purchase food together."

2. 271.3(b): Income and Resource Eligibility Standards

PROBLEM: Farmworkers most often cannot provide documentary evidence of exactly how much they earn: rarely do growers provide farmworkers with withholding stubs or payslips; frequently employers make deductions from gross pay for rent and utilities in grower housing in which families are required to live in order to keep their job. Given the data that the average income of a farmworker family of four is less than $2,200 per year for those who supplement their income with non-agricultural labor during the off season and $800 per year for those who do not, very few farmworkers are in fact ineligible for the food stamp program.

RECOMMENDATION: Migrants and other seasonally employed farmworkers should be regarded as automatically covered and eligible for benefits of the food stamp program upon application and should not be denied benefits without concrete evidence by a state agency showing ineligibility. (This recommendation also applies to the verification of income provision in 271.4(2)(iii).)

3. 271.3(b)(1)(ii)(a): (Exclusion of dependent children's income)

RECOMMENDATION: The age ceiling should be changed from the 18th birthday to the 22nd birthday.

4. 271.3(b)(1)(iii)-Proposed new sub-sub-sections on hardship deductions

PROBLEM: Hardship deductions are permitted in some states and not in others. None would be allowable under the proposed regulations. The following suggested new sub-sections incorporate those hardship deductions:

4. 271.3(b)(1)(iii) - Cont'd.

RECOMMENDATION: The following new five sub-sub-sections:

(f) Costs of transportation related to work or seeking work; and of other expenses related to work (such as required work clothing or uniforms) which exceed $15 a month.

(g) Earnings saved for the future education of dependent children, or for work training for adults.

(h) The payments for nursing care for a member of the household when necessary for a household member to accept or to continue work.

(i) Payments made for the support of children not living with the household.

(j) Repayments of debts exceeding $10 monthly payments.

5. 271.3(b)(iv): Proration

PROBLEMS: a. Although proration was designed as protective device for eligible households with uneven earning patterns, farmworkers may be penalized, in the sense of having to spend more for food stamps than they would without the proration, during the off-season when they need the stamps most.

b. The statute limits the validity of certification when the household crosses state lines to 60 days, which in effect means that migrants would have to renegotiate the application process almost every time they move with the crops.

RECOMMENDATIONS:

a. Regulations should be drawn to ensure that earnings in one period do not cause farmworkers and unfair reduction of benefits during those months when there is no work available. State agencies should be required to calculate benefits both ways (with and without proration) and to then permit the household to select the method it finds preferable.

b. Provision should be made to automatically renew certification on the basis of the proration formula each time the household changes jurisdiction for an additional 60 days.

6. 271.3(d): Work Registration

PROBLEM: No consideration has been given to the unique elements in the migrant way of life. Farmworkers might register for work one week but find temporary farm work while his application is pending with the local employment agency (and he consequently does not ever report for an interview which eventuates).

RECOMMENDATION: Waive requirements for interviews for farmworker applicants during the growing season.

7. 271.3(d)(2): Ineligibility

Procedures and groundrules under which a State agency can determine a household to be ineligible should be spelled out in detail in these regulations.

8. 271.3(d)(2)(ii): Continuity of ineligibility

RECOMMENDATION: Change "one year" to "six months."

9. 271.3(d)(4)(iv): (Distance)

RECOMMENDATION: In line 4, change "or expected to be used" to "or what the applicant expects to be able to use."

C. Section 271.4, Certification of Household

1. 271.4(?)(iii): Verification of Income

PROBLEM: This provision is the most punitive in its tendency to exclude migrant and other farmworkers from benefiting from the food stamp program. Most farmworkers will not be able to document income, and no alternatives are provided when written documentation is not available. Present practice is for State agencies to call grower/employers or the Farm Labor Service for estimates of average farmworker incomes in the area. Since growers are not always cooperative, and since legislation insuring accurate pay records are not generally enforced, most farmworkers will be denied benefits if the verification-of-income requirement is strictly applied to them. The statute permits certification by affidavit (with checking a random sample), but the new guidelines only permit certification by affidavit for public assistance households.

RECOMMENDATION: Simplify certification procedures for everyone, but incorporate the stipulation that farmworkers shall in all cases be certified by affidavit.

2. 271.4(3): Application Processing

PROBLEMS: a. Allowing States to establish 30-day waiting periods would deny many migrants the benefit of the program.

b. The regulations as currently written provide no incentive for welfare departments to hire additional staff when the case load is heavy (even though USDA pays 62½% of the cost of certification staff).

RECOMMENDATIONS:

a. Reduce processing time from "30 days" to "10 days."

b. Provide for emergency certification of farmworkers when they are away from their home base without all the forms, applications, verifications, etc.

3. 271.4(a)(4)(iii)(d): Certification periods for farmworkers

PROBLEM: This provision permits 12-month certification, but it does not allow for interchangability of certification between commodity and food stamp counties nor among counties within a State nor between States.

RECOMMENDATION: Stipulate that certification issued in one county for food stamps is valid in any other county or State for food stamps and/or commodities.

4. 271.4(a)(6): Certification Continuation

PROBLEM: Eligibility standards for commodities are still not parallel to those for stamps.

RECOMMENDATION: Change this sub-section to read: "Continue the certification for 60 days of any household which is certified as eligible in one food stamp or commodity distribution area and moves to another food stamp or commodity distribution project area."

III. Part 274, Emergency Food During Disasters

274.6 - Duration

PROBLEM: Results of disasters (such as that one declared by the President in March for South Florida) affecting farmworkers last long after the emergency itself, for the disaster will necessarily alter the farmworkers' income for the entire year.

RECOMMENDATION: The regulations should stipulate that if disasters cause loss of employment for farmworkers, then the duration of emergency food assistance for farmworkers should be extended automatically until agricultural employment conditions return to pre-disaster levels.

May 21, 1971

Mr. James B. Springfield
Director, Food Stamp Division
Food and Nutrition Service
Department of Agriculture
Washington, D.C. 20250

Dear Mr. Springfield:

As you may be aware, the Office of the Secretary in DHEW includes an Office for Special Concerns (OSC). The OSC is charged by the Secretary with providing an advocacy focus for the interests of the minorities and the disadvantaged.

Migrant and seasonal farmworkers, among the nation's most severely disadvantaged members are one of OSC's prime constituents. In order to insure representation and advocacy of their interests, OSC attempts, among other things, to analyze and comment upon proposed legislative and administrative initiatives.

It was in light of above that I have analyzed and subsequently recommended certain changes in the proposed Food Stamp Regulations. For the migrant and seasonal farmworker, the Food Stamp Regulations may well represent the single most important Federal document. Certainly, the health and welfare of at least his children will in many cases be conditioned on the ability of this regulation program to embody a response to his needs.

I sincerely hope that the recommendations will be carefully considered. If you desire clarification or discussion of any aspect of the document please feel free to contact me personally or Mr. Tom Uridel, Ext. 13-22357, of my staff.

Sincerely yours,

Charles H. Cooke, Jr.
Director, Office of Special Concerns
Office of the Assistant Secretary
for Planning and Evaluation

Enclosure
cc: Honorable Elliot L. Richardson
Secretary, DHEW
Honorable Clifford M. Hardin
Secretary of Agriculture
Mr. Lewis H. Butler

86-201 O - 72 - 12

FOOD STAMP PROGRAM

A. PART 270 - GENERAL INFORMATION AND DEFINITIONS

1. SECTION 270.2 - DEFINITIONS

a. 270.2(u): "Firm"

"Firm" means a retail food store or a wholesale food concern."

RECOMMENDATION 1:

STORES AND COOPERATIVES OPERATED BY NON-PROFIT ORGANIZATIONS AND CONSUMER GROUPS SHOULD BE INCLUDED IN THE DEFINITION.

b. 270.2(dd): "Household"

"Household" means a group of persons, excluding roomers and boarders as defined in this section, who are not residents of an institution or boarding house, and who are living as one economic unit sharing common cooking facilities and for whom food is customarily purchased in common: Provided, That:

(1) When all persons in the group are under 60 years of age, they are all related to each other;

(2) When more than one of the persons in the group is under 60 years of age, and one or more other persons in the group is 60 years of age or older, each of the persons under 60 years of age is related to each other or to at least one of the persons who is 60 years of age or older.

It shall also mean (i) a single individual living alone who purchases and prepares food for home consumption, or (ii) an elderly person as defined in this section.

RECOMMENDATION 2:

THE DEFINITION SHOULD CLEARLY INDICATE THAT FAMILY UNITS SHARING THE SAME COOKING FACILITIES, AS IN A FARM LABOR CAMP, BUT NOT COOKING TOGETHER ARE TO BE CONSIDERED SEPARATE HOUSEHOLDS.

c. 270.2(kk): "Related"

"Related" means a relationship by blood, affinity, or through a legal relationship sanctioned by State law. Persons shall also be deemed to be related if they are legally adopted children, legally assigned foster children, or other children under the age of 18, when an adult member (over age 18) of the household acts in loco parentis to such children.

RECOMMENDATION 3:

THE DEFINITION SHOULD CLEARLY INDICATE THAT BLOOD RELATIONSHIPS SUCH AS GRANDPARENTS-GRANDCHILD, UNCLE-NEPHEW, ETC. ARE INCLUDED. DUE TO AN AVERAGE LIFE SPAN OF 50 YEARS, EXTREMELY LOW INCOME, POOR ADULT HEALTH STATUS, NATION'S HIGHEST OCCUPATIONAL ACCIDENT RATE, MIGRANTS ARE OFTEN FORCED TO LEAVE THEIR CHILDREN WITH RELATED ADULTS.

RECOMMENDATION 4:

THE DEFINITION OF "ADOPTION" SHOULD BE SUFFICIENTLY BROAD SO AS TO INCLUDE THOSE SITUATIONS WHERE A CHILD IS NOT LEGALLY ADOPTED BUT IS LIVING WITH AND DEPENDENT UPON AN UNRELATED ADULT FOR MORE THAN 50% OF HIS SUPPORT. FOR THE REASONS OUTLINED IN RECOMMENDATION 3 AND THE GODPARENT SYSTEM, (AMONG SPANISH SPEAKING MIGRANTS PARTICULARLY), MIGRANT CHILDREN OFTEN LIVE WITH ADULTS TO WHOM BY BLOOD OR OTHERWISE THEY ARE NOT LEGALLY RELATED.

RECOMMENDATION 5:

A DETERMINATION OF MARRIAGE SHOULD INCLUDE RELATIONSHIPS WHERE THE PARTIES WENT THROUGH A MARRIAGE CEREMONY IN GOOD FAITH AS DEFINED IN SOCIAL SECURITY ACT, SEC. 216(h)(1)(B).

d. 270.2(ll): "Retail Food Store:

"Retail food store" means an establishment, including a recognized department thereof, of a house-to-house trade route which sells eligible food to households for home consumption, or a nonprofit meal delivery service as defined in paragraph (ee) of this section.

RECOMMENDATION 6:

THE DEFINITION SHOULD INCLUDE STORES AND COOPERATIVES OPERATED BY NON-PROFIT ORGANIZATIONS AND CONSUMER GROUPS.

e. 270.2(qq): "Student"

"Student" means an individual who is attending at least half-time, as defined by the institution, a grade school, high school, vocational school, technical school, training program, college, or university.

RECOMMENDATION 7:

THE DEFINITION SHOULD BE FLEXIBLE ENOUGH TO INCLUDE PERSONS TAKING REMEDIAL TRAINING IN SUCH AREAS AS ENGLISH AS A FIRST LANGUAGE, READING, WRITING, ETC., SO LONG AS THIS TRAINING IS DESIGNED TO IMPROVE THE INDIVIDUAL'S ABILITY TO OBTAIN EMPLOYMENT.

RECOMMENDATION 8:

SCHOOL ATTENDANCE SHOULD BE DEFINED BROADLY TO INCLUDE THOSE WHO ARE STUDYING PART-TIME. BY REDUCING THE HALF-TIME ATTENDANCE REQUIREMENT TO 6 OR MORE CREDIT HOURS PER WEEK, THE REGULATIONS WOULD BE CONSISTENT WITH THE PROPOSED PROVISIONS OF THE FAMILY ASSISTANCE PROGRAM, NOW BEING CONSIDERED IN CONGRESS.

2. SECTION 270.5 - MISCELLANEOUS PROVISIONS

a. 270.5(a)(1 thru 3): powers of FNS

FNS shall have the power to:

(1) Determine the amount of any claim;

(2) Settle and adjust any claim; and

(3) Compromise or deny all or part of any such claim arising under the provisions of this subchapter.

RECOMMENDATION 9:

CLAIMS DECISIONS BY THE FOOD AND NUTRITION SERVICE (F.N.S.) SHOULD BE SUBJECT TO JUDICIAL REVIEW.

B. PART 271 - PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

1. SECTION 271.1 - GENERAL TERMS AND CONDITIONS FOR STATE AGENCIES.

a. 271.1(a): FEDERALLY DONATED FOODS.

In areas where the ~~program is~~ in operation, there shall be no distribution of federally-donated foods to households, except that distribution may be made:

(1) During temporary emergency situations when FNS determines that commercial channels of food distribution have been disrupted;

(2) For such period of time as FNS determines, not to exceed 3 months, upon request of a State agency and submission of facts by such State agency showing that such a period is necessary in order to effect an orderly transition in an area in which the distribution of federally-donated foods to households is being replaced by a program; or,

(3) On request of the State agency, Provided, That:

(i) No Department funds are used in carrying out the State agency's administrative responsibilities in the handling and issuing of federally-donated foods;

(ii) Certification of all households is made by the State agency in conformity with the requirements of this subchapter; and,

(iii) Controls are established which will prevent any household from participating in the program and also simultaneously receiving household distribution of federally-donated foods.

RECOMMENDATION 10:

THIS SECTION SHOULD BE REVISED TO PROVIDE FOR:

- SPECIAL CERTIFICATION WHICH WILL BE INTERCHANGEABLE BETWEEN COMMODITY AND FOOD STAMP COUNTIES;

- DISTRIBUTION OF FOODS TO HOUSEHOLDS TEMPORARILY RESIDING IN AN AREA IF DETERMINATION OF INITIAL OR CONTINUING ELIGIBILITY HAS NOT BEEN MADE IN ONE WEEK; AND

- PERMITTING THE USE OF U.S.D.A. FUNDS TO COVER COSTS OF ADMINISTERING FEDERALLY DONATED FOODS IN COUNTIES WHICH MOST NEED A DUAL PROGRAM.

MIGRANT INTER-COUNTY AND INTER-STATE MOBILITY, AND SHORT STAYS IN MANY DIFFERENT POLITICAL JURISDICTIONS SO COMPLICATE ELIGIBILITY DETERMINATIONS THAT ~~BOTH FOOD STAMPS~~ AND COMMODITIES WILL BECOME INACCESSIBLE, IF SPECIAL PROVISIONS ARE NOT MADE.

b. 271.1(e): RESIDENCY

No citizenship or durational residency requirement shall be imposed as a condition of eligibility by any State or project area.

RECOMMENDATION 11:

THIS SECTION SHOULD BE CHANGED SO THAT THERE IS NO RESIDENCY REQUIREMENT OTHER THAN THAT THE APPLICANT HAVE HOUSING IN THE PROJECT AREA (COUNTY). THE REGULATION AS PROPOSED WILL ALLOW STATES AND LOCALITIES TO IMPOSE AN "INTENT TO RESIDE" REQUIREMENT AS IN MEDICAID, LEADING TO MIGRANT DISQUALIFICATION BECAUSE OF THEIR STAY FOR A TEMPORARY PURPOSE.

c. 271.1(h): ADMINISTRATIVE FINANCING

Except as provided in § 271.2, each State agency shall finance or cause to be financed, from funds available to the State or political subdivisions thereof, the costs of carrying out the administrative responsibilities assigned to it under the provisions of this subchapter, including providing adequate staff and funding to process applicant households within 30 days of receipt of the complete Application for Participation.

RECOMMENDATION 12:

POLICY GUIDES AND REGULATIONS ON "ADEQUATE STAFF" SHOULD SPECIFICALLY PROVIDE THAT:

- THE RACIAL AND ETHNIC COMPOSITION OF THE STAFF REFLECT THE RACIAL AND ETHNIC COMPOSITION OF THE ELIGIBLE POPULATION;

- ALL SUBPROFESSIONALS BE HIRED FROM THE ELIGIBLE POPULATION;

- SUBPROFESSIONALS BE GIVEN AMPLE OPPORTUNITY FOR TRAINING OPPORTUNITIES AND CAREER ADVANCEMENT; AND

- A DETAILED DESCRIPTION OF THE ABOVE BE REQUIRED IN EACH STATE PLAN.

d. 271.1(k): OUTREACH

Each State agency shall establish effective action pursuant to an approved plan, using State agency personnel and the services provided by other federally-funded agencies and organizations, to inform low-income households concerning the availability and benefits of the program and insure the participation of eligible households.

RECOMMENDATION 13:

POLICY GUIDES AND REGULATIONS ON "OUTREACH" SHOULD SPECIFICALLY PROVIDE THAT:

- THE RACIAL AND ETHNIC COMPOSITION OF THE STAFF REFLECT THE RACIAL AND ETHNIC COMPOSITION OF THE ELIGIBLE POPULATION;

- ALL SUBPROFESSIONALS BE HIRED FROM THE ELIGIBLE POPULATION;

- EXTENSIVE USE BE MADE OF LOCAL ORGANIZATIONS WHEN THE MAJORITY OF THEIR MEMBERSHIP IS COMPOSED OF ELIGIBLE PERSONS, OR THEY FULFILL AN ADVOCACY FUNCTION FOR ELIGIBLE PERSONS (e.g., MIGRANT MINISTRY).

- A DETAILED DESCRIPTION OF THE ABOVE BE REQUIRED IN EACH STATE PLAN.

e. 271.1(n)(3): NOTICE OF ADVERSE ACTION - state agency/household conference

If within the advance notice period, an individual representing the household responds by indicating the household's wish for a State agency conference, the State agency shall provide an opportunity for the household to:

(i) Discuss the situation with the State agency staff;

(ii) Speak for itself, or be represented by legal counsel, a friend, or other spokesmen;

(iii) Obtain an explanation of the proposed action; and

(iv) Present information to show that the proposed action is incorrect.

RECOMMENDATION 14:

INCLUDED IN THE EXPLANATION OF THE HOUSEHOLD'S RIGHT TO REQUEST A CONFERENCE SHOULD BE THE GUARANTEE THAT THIS REQUEST CAN BE MADE SIMPLY BY AN ORAL DECLARATION OR BY CHECKING A BOX ON THE NOTICE OF PROPOSED TERMINATION.

f. 271.1(o): FAIR HEARING

Each State agency shall provide any household, aggrieved by the action of the State agency or a State issuing agency in its administration of the program which affects the participation of the household in the program, with a fair hearing. Prompt, definitive, and final administrative action must be taken by the State agency within 60 days from the date of a request for a hearing. Households shall be free to request a hearing on any State agency or State issuing agency action with which they are dissatisfied.

RECOMMENDATION 15:

THE TIME LIMITATION FOR OBTAINING A FAIR HEARING AND ITS RESULTS SHOULD BE 10 WORKING DAYS; A 60-DAY LIMITATION EFFECTIVELY DEPRIVES MIGRANT FARMWORKERS OF THEIR RIGHT TO A FAIR HEARING. THIS IS IN KEEPING WITH SECTION 271.1(o)(3), WHICH RULES THAT THE HEARING WILL BE HELD AT THE CONVENIENCE OF THE HOUSEHOLD IN TIME, PLACE AND DATE. IN MOST AREAS WHERE MIGRANTS WORK, IT IS HIGHLY UNLIKELY THAT THEY WOULD BE IN ANY ONE PROJECT AREA FOR MORE THAN 60 DAYS. INDEED, THEY OFTEN STAY IN A GIVEN AREA FOR ONLY TWO OR THREE WEEKS, AND USUALLY AT MOST FOR FIVE WEEKS. BY USING ITS FULL ALLOTTED TIME UNDER THESE REGULATIONS, A STATE AGENCY COULD, IN EFFECT, FRUSTRATE THE ENTIRE PURPOSE OF THE ACT AND DENY MIGRANTS THE BENEFITS OF THE PROGRAM.

RECOMMENDATION 16:

WHEN ASKING FOR A FAIR HEARING, THE HOUSEHOLD SHOULD BE ALLOWED TO CONTINUE IN THE PROGRAM ON THE SAME BASIS AS PREVIOUS TO THE REQUEST FOR A FAIR HEARING. UNDER THE PROPOSED REGULATIONS, A FAMILY WOULD BE UNABLE TO PARTICIPATE DURING THE APPEAL--UP TO 60 DAYS.

g. 271.1(p): CREDITS FOR LOST BENEFITS

If it has been determined that a household has been improperly denied participation in the program and thereby the benefits of the program, the State agency shall determine the amount of the free coupons denied, and shall establish a credit account against State agency funds for the household in that amount.

RECOMMENDATION 17:

THE CREDITS FOR LOST BENEFITS SHOULD BE TRANSFERRABLE TO ANOTHER COUNTY OR STATE. THE MOBILE, SHORT DURATION STAY, INTER-COUNTY OR INTER-STATE MIGRANT WILL RECEIVE NO BENEFIT FROM THIS PROVISION IF TRANSFERRABILITY IS NOT PERMITTED.

RECOMMENDATION 18:

FOR A PERIOD OF AT LEAST 1 YEAR THE STATE AGENCY SHOULD MAINTAIN, AND MAKE AVAILABLE TO THE RESPECTIVE HOUSEHOLD, ALL CREDIT ACCOUNTS, EVEN IF THE HOUSEHOLD HAS MOVED OUT OF THE PROJECT AREA.

2. SECTION 271.3 - HOUSEHOLD ELIGIBILITY

a. 271.3(a): HOUSEHOLD (as the eligible participant)

Eligibility for and participation in the program shall be on a household basis. All persons, excluding roomers and boarders, residing in common living quarters* shall be consolidated into a group prior to determining if such a group is a household as defined in § 270.2(dd) of this subchapter. All related persons in a group which qualifies as a household shall be considered members of the household.....

RECOMMENDATION 19:.

THE PHRASE* "AND WHO SHARE KITCHEN FACILITIES, COOK, EAT AND PURCHASE FOOD TOGETHER" SHOULD BE ADDED TO THE SECOND SENTENCE. THIS WILL ALLOW SEPARATE FAMILY UNITS TO BE CERTIFIED AS SEPARATE HOUSEHOLDS WHEN FORCED TO SHARE FACILITIES (e.g. FARM LABOR CAMP KITCHENS).

b. 271.3(b)(1)(ii)(a): DEFINITION OF INCOME - exclusions

(ii) The following shall not be considered income to the household:

(a) Income received as compensation for personal services (. income from self-employment by a dependent child residing with the household who is a student and who has not attained his 18th birthday; (underlining supplied)

RECOMMENDATION 20:

INCOME EARNED BY A DEPENDENT CHILD WHO IS A STUDENT SHOULD NOT BE COUNTED AS HOUSEHOLD INCOME UNTIL HIS 22nd RATHER THAN 18th BIRTHDAY.

RECOMMENDATION 21:

ASSISTANCE RECEIVED FOR THE PURPOSE OF EMERGENCY PURCHASING OF FOOD STAMPS OR FOOD SHOULD BE ADDED TO THE LIST OF ITEMS NOT TO BE CONSIDERED INCOME TO THE HOUSEHOLD.

e. 271.3(b)(1)(iv): DEFINITION OF INCOME - cyclical or seasonal income

Income received on a cyclical or seasonal basis shall, if it is to the household's advantage, be prorated evenly or unevenly over a period not to exceed 12 months, or averaged over a lesser period of time in order to determine monthly income for use in determination of eligibility and basis of coupon issuance.

RECOMMENDATION 24:

THE SECTION SHOULD BE REWORDED TO CLEARLY INDICATE THAT INCOME WILL BE PRORATED WHEN THE ELIGIBLE HOUSEHOLD DECIDES THAT IT IS TO ITS ADVANTAGE. THIS OF COURSE WOULD REQUIRE THAT ADEQUATE INFORMATION BE FURNISHED THE FAMILY AS TO ITS VARIOUS OPTIONS.

RECOMMENDATION 25:

ALLOWANCE SHOULD BE MADE FOR PRORATED, LONG-TERM CERTIFICATION TO BE ACROSS COUNTY AND STATE LINES WHEN, AS WITH MIGRANTS, THE FAMILY MOVES. CERTIFICATION SHOULD BE FOR BOTH COMMODITIES AND FOOD STAMPS. THIS WILL REQUIRE THE ESTABLISHMENT OF NATIONAL ELIGIBILITY STANDARDS FOR COMMODITIES.

f. 271.3(b)(3)(ii): RESOURCE DEFINITIONS AND STANDARDS - EXCLUSIONS FROM RESOURCES

RECOMMENDATION 26:

SAVINGS WHICH ARE DESIGNATED FOR THE FUTURE EDUCATION OF DEPENDENT CHILDREN OR FOR THE WORK-RELATED TRAINING OF ADULTS SHOULD BE INCLUDED AS ALLOWABLE EXCLUSIONS FROM RESOURCES.

g. 271.3(d): WORK REGISTRATION REQUIREMENT.

At the time of application, and at the time of each recertification of eligibility, for participation in the program by any household, each able-bodied person between the ages of 18 and 65, who is a member of the household (except mothers or other members of the household who have responsibility for the care of dependent children under 18 years of age or of incapacitated adults; students enrolled at least half-time in any school or training program recognized by any Federal, State or local governmental agency; or persons working at least 30 hours per week shall register for employment by executing the registration form which shall be provided by the State agency, and which the State agency shall forward to the State or Federal employment office having jurisdiction over the area where the registrant resides.

RECOMMENDATION 27:

MEMBERS OF HOUSEHOLDS DERIVING THE MAJOR PART OF THEIR INCOME FROM FARM OPERATIONS OR FARM EMPLOYMENT SHOULD BE GIVEN SPECIAL CONSIDERATION AND NOT AUTOMATICALLY BE REQUIRED TO REGISTER FOR WORK IF THEY ARE WORKING 30 HOURS OR LESS A WEEK. BECAUSE OF INCLEMENT WEATHER, EQUIPMENT BREAKDOWNS, LATE RIPENING OF A CROP, ETC., FARMWORKERS OFTEN ARE REQUIRED TO BE AVAILABLE ALTHOUGH THEY ARE NEITHER WORKING OR COMPENSATED FOR LOST TIME.

h. 271.3(d)(2): WORK REGISTRATION REQUIREMENT - failure to show good cause for non-compliance

If the State agency determines that a household member has refused without good cause to comply with the requirements of this paragraph, the household of which he is a member shall be ineligible to participate in the program. such inelgibility shall continue:

RECOMMENDATION 28:

IF A HOUSEHOLD MEMBER'S FAILURE TO COMPLY IS DETERMINED TO BE WITHOUT "GOOD CAUSE," ONLY THAT HOUSEHOLD MEMBER, AND NOT THE ENTIRE HOUSEHOLD, SHOULD BE DECLARED INELIGIBLE FOR PROGRAM BENEFITS.

RECOMMENDATION 29:

THE CRITERIA AND PROCEDURES BY WHICH A STATE AGENCY CAN DETERMINE AN INDIVIDUAL OR HOUSEHOLD WITHOUT "GOOD CAUSE" SHOULD BE SPELLED OUT BY USDA.

i. 271.3(d)(2)(ii): WORK REGISTRATION REQUIREMENT - period of household ineligibility for failure to show good cause.

For 1 year from the date of his refusal without good cause to comply with such requirements, whichever is earlier.

RECOMMENDATION 30:

THE PERIOD OF INELIGIBILITY SHOULD BE CHANGED FROM 1 YEAR TO 6 MONTHS. THE LANGUAGE AND CULTURAL DIFFERENCES BETWEEN MOST MIGRATORY WORKERS AND MOST STATE AGENCIES CREATE A SITUATION READY-MADE FOR CONFUSION AND MISUNDERSTANDING, AND INCORRECT DECLARATIONS OF INELIGIBILITY.

j. 271.3(d)(3)(iv): WORK REGISTRATION REQUIREMENT - work unsuitable for employment referral

The work offered is at a site subject to a strike or a lockout at the time of the offer.

RECOMMENDATION 31:

THE DEFINITION OF "STRIKE" SHOULD EXPRESSLY INCLUDE LABOR DISPUTES IN TYPES OF EMPLOYMENT NOT COVERED UNDER PROVISIONS OF THE NATIONAL LABOR RELATIONS ACT, e.g. AGRICULTURE.

k. 271.3(d)(4): WORK REGISTRATION REQUIREMENTS - criteria for determining work suitability for registrant.

The State agency shall consider the following criteria in determining whether employment offered is, for the purposes of this paragraph, suitable for the registrant in question:

(i) The degree of risk to the registrant's health and safety;

(ii) The fitness of the registrant both physical and mental to perform the employment offered as established by documentary medical evidence, or reliable information obtained from other sources may be used as a basis for this determination;

(iii) The duration of the registrant's unemployment. For example, a household member whose major occupational experience is in a specialized field may be required to accept employment, as a condition of household eligibility, in a different field after the lapse of a reasonable period of time of unemployment during which it becomes apparent that job opportunities in his major field of experience in the area are unlikely to be offered; and,

(iv) The distance of the employment from the registrant's residence. Determinations in this connection shall be based upon reasonable estimates of the time required for going to and from work by means of transportation that is available, or expected to be used, and whether or not it would be reasonable for the registrant to expend the time and cost involved for the expected remuneration from the work. In no event shall commuting time per day represent more than 25 per centum of the registrant's total work time. (Underlining supplied.)

RECOMMENDATION 32:

UNIFORM MINIMUM FEDERAL STANDARDS SHOULD BE ESTABLISHED WHERE APPROPRIATE, e.g. IN THE AREA OF OCCUPATIONAL HEALTH AND SAFETY.

RECOMMENDATION 33:

THE CRITERIA USED IN (ii) SHOULD TAKE INTO ACCOUNT SUCH THINGS AS AN INDIVIDUAL'S AGE, EXPERIENCE, EDUCATION, ABILITY TO USE THE ENGLISH LANGUAGE, AND CULTURAL BACKGROUND, RATHER THAN MEDICAL CONDITION ONLY.

RECOMMENDATION 34:

THE PHRASE IN SUBSECTION (iv), "expected to be used" SHOULD BE CLARIFIED SO AS TO INDICATE THAT IT IS WHAT THE APPLICANT EXPECTS TO BE ABLE TO USE.

3. SECTION 271.4 CERTIFICATION OF HOUSEHOLDS

a. 271.4(a)(2)(iii): HOUSEHOLD CERTIFICATION - verification of income

Verification of income will be required on initial certification and on subsequent recertifications if the amount of the income has changed substantially or if the source of the income has changed. In any case where a household indicates that it has income so low that there is a likelihood that a change must occur in order for the household to continue to subsist as an economic unit, full verification of all factors of eligibility is required, unless expenditures and income are so stable as to indicate that the household could maintain this level of existence for an extended period of time. Verification is not required for other factors of eligibility unless the statements as set out in the Application for Participation are unclear, incomplete, or inconsistent in any manner that would require a prudent certification worker to question any factor affecting eligibility or basis of coupon issuance. Certification for 30 days without verification of eligibility factors may be made only for those households which report an income so low as to put them at a zero purchase level and only if it appears they will be eligible for participation.

RECOMMENDATION 35:

IN THE CASE OF MIGRANT AND SEASONAL FARMWORKERS, THE REGULATIONS SHOULD PROVIDE FOR EITHER A DECLARATIVE SYSTEM, WHICH ACCEPTS THE INFORMATION SUBMITTED BY THE APPLICANT, OR IN SOME OTHER WAY TAKE INTO ACCOUNT THE USUALLY INADEQUATE EARNINGS EVIDENCE AVAILABLE. BECAUSE FARMWORKERS ARE OFTEN PAID IN CASH BY A GROWER OR CREW LEADER, AFFORDED DISCRIMINATORY COVERAGE UNDER SOCIAL SECURITY, OR CONFRONTED WITH INDIFFERENCE OR HOSTILITY WHEN ATTEMPTING TO VERIFY INCOME, VERIFYING EVIDENCE, OTHER THAN PERSONAL DECLARATION, IS DIFFICULT IF NOT IMPOSSIBLE TO OBTAIN.

IN ADDITION, THE DECLARATIVE SYSTEM HAS PROVEN ACCURATE AND RELIABLE IN THOSE AREAS WHERE IT HAS BEEN USED.

b. 271.4(a)(3): HOUSEHOLD CERTIFICATION - APPLICATION - PROCESSING

Process each Application for Participation within reasonable State-established standards which shall not exceed 30 days.

RECOMMENDATION 36:

IN THE CASE OF MIGRANTS OUT OF THEIR HOME BASE AREAS THE MAXIMUM PROCESSING TIME SHOULD BE 10 DAYS RATHER THAN 30 TO INSURE THEIR ACCESS TO BENEFITS IF OTHERWISE ELIGIBLE.

c. 271.4(a)(4)(iii)(d): HOUSEHOLD CERTIFICATION - CERTIFICATION PERIODS --

Households deriving their income from farm operations or farm employment may be certified for 12 months.

RECOMMENDATION 37:

HOUSEHOLDS DERIVING THE MAJOR PART OF THEIR INCOME FROM FARM OPERATIONS OR FARM EMPLOYMENT SHOULD BE CERTIFIED FOR 12 MONTHS. THE PROPOSED REGULATION DISCRIMINATES AGAINST THE MIGRANT AND SEASONAL FARM WORKER WHO MAY BE FORCED TO TAKE SOME NON-FARM, TEMPORARY EMPLOYMENT.

d. 271.4(a)(6): HOUSEHOLD CERTIFICATION - CERTIFICATION CONTINUATION

Continue the certification for 60 days of any household which is certified as eligible in one food stamp project area and moves to another food stamp project area: Provided, That: (i) The household membership does not change; (ii) the household continues to meet the definition of a household as provided in § 270.2(dd) of this subchapter; and, (iii) the household was not certified under disaster eligibility standards as provided in Part 274. The project area in which the household is certified as eligible shall prepare the documents to transfer certification. The project area to which the household moves shall accept the transfer document and issue coupons to the household in the amount authorized on the transfer document. However, the continuing eligibility of households which move more than once during the same 60-day period shall expire 60 days after the initial move. Additional 60-day continuations shall be made only after the household has been recertified as eligible in the project area from which it requests the additional continuation.

RECOMMENDATION 38:

PROVISION SHOULD BE MADE FOR THE CONTINUATION OF CERTIFICATION FOR 60 DAYS OF ANY HOUSEHOLD WHICH IS CERTIFIED AS ELIGIBLE IN ONE FOOD STAMP OR COMMODITY DISTRIBUTION AREA AND MOVES TO ANOTHER FOOD STAMP OR COMMODITY DISTRIBUTION AREA.

4. SECTION 271.6 METHODS OF DISTRIBUTING, ISSUING, AND ACCOUNTING FOR COUPONS AND RECEIPTS

a. 271.6(d)(4): frequency of coupon issuance

Shall insure that eligible households are positively offered the frequency of coupon issuance that is best geared to the frequency of their receipt of income: Provided, That at a minimum, all project areas shall make provision for a monthly and semi-monthly schedule of issuance.

RECOMMENDATION 39:

PROVISION SHOULD BE MADE TO INCLUDE A WEEKLY SCHEDULE OF ISSUANCE. MIGRANTS, USUALLY IN AN AREA ON A TEMPORARY, SHORT-TERM BASIS, MAY WELL BE DENIED ACCESS TO COUPONS IF THEIR FREQUENCY OF ISSUANCE IS NO MORE THAN SEMI-MONTHLY.

5. SECTION 271.8 PLANS OF OPERATION

a. 271.8(c)(4): state plan of operation - outreach

A State outreach plan to undertake effective action, using State agency personnel and the services provided by other federally-funded agencies and organizations, to inform low-income households concerning the availability and benefits of the program, and insure the participation of eligible households; (underlining supplied)

RECOMMENDATION 40:

TO INSURE THAT A PROJECT DEVELOPS AN EFFECTIVE SYSTEM OF OUTREACH WHICH UTILIZES ALL APPROPRIATE MECHANISMS, THE USE OF OTHER AGENCIES AND ORGANIZATIONS SHOULD NOT BE LIMITED TO THOSE THAT ARE FEDERALLY FUNDED. ANY ORGANIZATION OR GROUP, REGARDLESS OF ITS SOURCE OF FUNDING, THAT CAN FURTHER THE PROJECT'S ENDS SHOULD BE UTILIZED FOR OUTREACH.

b. 271.8(c): state plan of operation

RECOMMENDATION 41:

THE REGULATIONS SHOULD INCLUDE PROVISIONS FOR STAFFING WHICH INCLUDE THE FOLLOWING:

- THAT THE RACIAL AND ETHNIC COMPOSITION OF THE PROJECT STAFF REFLECT THE RACIAL AND ETHNIC COMPOSITION OF THE ELIGIBLE POPULATION:
- THAT ALL SUB-PROFESSIONAL STAFF BE HIRED FROM THE ELIGIBLE POPULATION: AND
- THAT EACH PROJECT DEVELOP A PLAN FOR SUB-PROFESSIONAL TRAINING AND CAREER ADVANCEMENT.

C. PART 274 - EMERGENCY FOOD ASSISTANCE FOR VICTIMS OF DISASTERS

1. SUBPART A - MAJOR DISASTERS DECLARED BY THE PRESIDENT

a. 274.3(a): DEFINITIONS - MAJOR DISASTER

Major disaster means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe which is determined to be a "major disaster" by the President pursuant to the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1755).

RECOMMENDATION:

THE DEFINITION OF MAJOR DISASTER SHOULD BE REDEFINED TO INCLUDE OCCURRENCES THAT PREVENT MIGRANT FARMWORKERS FROM OBTAINING THE NORMALLY EXPECTED AMOUNT OF WORK. THE RESULTS OF SUCH DISASTER SHOULD NOT ONLY BE CONSIDERED FOR THE EMERGENCY DETERMINATION OF ELIGIBILITY DURING THE ACTUAL DISASTER ITSELF, BUT THERE MUST BE SOME REGULATORY RECOGNITION OF THE FACT THAT SUCH A DISASTER WILL MATERIALLY ALTER THE MIGRANT'S INCOME FOR THE ENTIRE YEAR. IF SUCH AN OCCURRENCE DENIES THE MIGRANT WORK DURING A PERIOD WHEN HE HAD A REASONABLE EXPECTATION OF WORK, IT IS LIKELY THAT THE MAJOR PROPORTION OF HIS INCOME WILL BE LOST FOR THE ENTIRE YEAR.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD AND NUTRITION SERVICE
WASHINGTON, D.C. 20250

JUN 9 1971

Honorable Adlai E. Stevenson III
Chairman, Subcommittee on Migratory Labor
Committee on Land and Public Welfare
United States Senate

Dear Senator Stevenson:

Thank you for your letter concerning the proposed food stamp regulations and the participation of migrant farmworkers in the Food Stamp Program.

We are aware that the migrant worker is unique from other low-income households and therefore requires special consideration. We have tried within the authority of the law, to be responsive to these special needs.

Your letter cites issues in the proposed regulations which you consider discriminatory toward migrant workers. I would like to clarify our position on some of those points below.

The emphasis on households as eligible units - The law requires that eligibility for the Food Stamp Program be determined on a household rather than an individual basis and that all household members age 60 and under be related. The legislative history indicates that the intent of Congress was to limit the participation of students and communes. We have tried to draft regulations that carry out the Congressional intent, but have a minimal effect on other household arrangements.

The requirements for detailed documentation and verification - We realize that the migrant worker can not always predict what his income will be at any specific period of time. To provide for this, we have allowed a one-month certification pending verification for very low-income households. We also allow State agencies to estimate income in consultation with the household when verification is impractical and to establish eligibility and assign basis of issuance accordingly.

The emphasis on discriminatory residence requirements - In July 1970, an instruction was issued to all State agencies prohibiting durational residence requirements as a condition of eligibility. The proposed regulations incorporate such a provision.

The administrative procedures, such as for fair hearings, lack time considerations - The Department's fair hearing procedure is in line with that of the Department of Health, Education and Welfare. However, we will consider your comment in relation to the final regulations.

You suggest a special task force to study the availability of food stamps to migrants. You also urge that steps be taken to establish a national food stamp certification and distribution program for farmworkers.

With the impending issuance of new regulations, we do not feel that a special task force would be appropriate or effective at this time. We will, however, consider your specific and general comments when we prepare the final regulations.

Concerning national certification, the proposed regulations and the law provide for uniform standards of eligibility to replace the current inequities among States and for the continued eligibility for 60 days of households which are certified in one project area and move to another. We are hopeful that these provisions will aid the migrant worker.

Thank you again for your comments and suggestions.

Sincerely,

Isabelle M. Kelley

Isabelle M. Kelley
Assistant Deputy Administrator

APPENDIX IV

FAMILY ASSISTANCE and the MIGRANT

(An analysis of the Family Assistance Act of 1970 to determine how effectively it will serve the migrant population and to recommend Legislative changes and Regulation Language, if indicated)

Migrant Project Group
Department of Health,
Education, and Welfare
August 1970

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PROPOSED LEGISLATIVE CHANGES FOR THE FAMILY ASSISTANCE PLAN

INTRODUCTION

If the Family Assistance Plan is to be truly responsive to the needs of the migrant population, we believe certain sections of the Family Assistance Act of 1970 should be revised. The five suggested legislative changes cited here are to be referred to the appropriate Departmental personnel. However, we are not optimistic that these proposed changes will be incorporated in the legislation in view of the present climate. Thus, wherever possible, we have also made recommendations for Regulation language on these same issues, in an attempt to get some of these concepts into the administration of F.A.P.

I. "SEC 446 PAYMENTS AND PROCEDURES"

A. "SEC 446(a)(1) PAYMENT OF BENEFITS"

PRESENT WORDING OF THE ACT:

"Family Assistance benefits shall be paid not less frequently than monthly, except that such benefits may be paid quarterly in any case in which the Secretary determines that the amount of such benefits for a quarter will not exceed $30."

RECOMMENDATION 1:

AMEND SEC 446(a)(1) TO PROVIDE FOR THE PAYMENT OF BENEFITS ON A LESS FREQUENT BASIS THEN MONTHLY, e.g. QUARTERLY, BI-MONTHLY, ETC. WE REALIZE THAT THE ORIGINAL ACT PROVIDED FOR THIS- AS IT STATED, "FAMILY ASSISTANCE BENEFITS SHALL BE PAID AT SUCH TIME OR TIMES AND IN SUCH INSTALLMENTS AS THE SECRETARY DETERMINES WILL BEST EFFECTUATE THE PURPOSES OF THIS TITLE." UNFORTUNATELY, THE ACT AS REVISED IN 6/70 TOOK AWAY THE SECRETARY'S AUTHORITY TO DETERMINE THE FREQUENCY OF BENEFIT PAYMENT. IN THE CASE OF THE MIGRANT LABORER IT IS VITAL THAT HE RECEIVE SUFFICIENT FUNDS IN A LUMP SUM TO FINANCE HIS TRIPS TO SEEK EMPLOYMENT. HE IS OTHERWISE FORCED TO TAKE A LOAN FROM A CREW LEADER OR EMPLOYER, ALMOST ALWAYS AT USURIOUS RATES, AND THUS PERPETUATE HIS DEPENDENCY ON THE SYSTEM.

B. "SEC 446(c)(3) HEARINGS AND REVIEW"

PRESENT WORDING OF ACT:

"The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determinations under Section 205; except that the determination of the Secretary after such hearing as to any fact shall be final and conclusive and not subject to review by any court."

RECOMMENDATION 2:

AMEND SEC 446(2) TO PROVIDE FOR JUDICIAL REVIEW AS IN SECTION 205(g) OF THE SOCIAL SECURITY LAW BY STRIKING THE STATEMENT: "...EXCEPT THAT THE DETERMINATION OF THE SECRETARY AFTER SUCH HEARING AS TO ANY FACT SHALL BE FINAL AND CONCLUSIVE AND NOT SUBJECT TO REVIEW BY ANY COURT."

II. "SEC 448 DENIAL OF BENEFITS IN CASE OF REFUSAL OF MANPOWER OR REHABILITATION SERVICES, TRAINING, AND EMPLOYMENT"

A. "SEC 448(a) DENIAL OF BENEFITS IN CASE OF REFUSAL OF MANPOWER OR REHABILITATION SERVICES, TRAINING, AND EMPLOYMENT"

PRESENT WORDING OF THE ACT:

"For purposes of determining eligibility for and amount of family assistance benefits under this part, an individual who has registered as required under section 447(a) shall be treated as an individual to whom section 447(a) applies by reason of refusal to register for manpower services, training and employment if and for so long as he has been found by the Secretary of Labor, after reasonable notice and opportunity for hearing (which shall be held in the same manner and subject to the same conditions as a hearing under section 446(c)(1) and (2), to have refused without good cause to participate or continue to participate in manpower services, training, or employment, or to have refused without good cause to accept employment in which he is able to engage ..."

RECOMMENDATION 3:

AMEND SEC 448(a) TO INCLUDE A PROVISION FOR JUDICIAL REVIEW FOR MANPOWER REFUSAL SITUATIONS.

B. "SEC 448(b) DENIAL OF BENEFITS IN CASE OF REFUSAL OF MANPOWER OR REHABILITATION SERVICES, TRAINING, AND EMPLOYMENT"

PRESENT WORDING OF THE ACT:

"(b) No family shall be denied benefits under this part, or have its benefits under this part reduced, because an individual who is a member of such family refuses work under any of the following conditions:

"(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;

"(2) if the wages, hours, or other terms or conditions of the work offered are contrary to or less than those prescribed by Federal, State, or local law or are substantially less favorable to the individual than those prevailing for similar work in the locality;

"(3) if, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; or

"(4) if the individual has the ability, based on skills or prior experience, to acquire other employment that would contribute more to his self-sufficiency, but only if the Secretary of Labor is satisfied that such employment is actually available in the community, and the individual has not been given adequate opportunity to obtain it"

RECOMMENDATION 4:

AMEND SECTION 448(b)(2) TO READ: THE WAGES PAYABLE FOR SUCH JOB ARE AT A RATE LESS THAN WHICHEVER OF THE FOLLOWING IS HIGHER (a) THE RATE PREVAILING FOR SIMILAR WORK IN THE LOCALITY OR (b) THE MAXIMUM HOURLY RATE ESTABLISHED BY SECTION 6(a)(1) OF THE FAIR LABOR STANDARDS ACT REGARDLESS OF WHETHER THAT SECTION AND RATE USUALLY APPLY TO THE JOB IN QUESTION.

RECOMMENDATION 5:

ADD THREE NEW PROVISIONS TO SEC 448(b) WHICH WOULD BE PROVISIONS (5), (6), AND (7) AND WOULD SAY ESSENTIALLY THE FOLLOWING:

(5) IF APPROPRIATE STANDARDS FOR THE HEALTH AND SAFETY OF THE EMPLOYEE ARE NOT EVIDENT;

B. "SEC 448(b) DENIAL OF BENEFITS IN CASE OF REFUSAL OF MANPOWER OR REHABILITATION SERVICES, TRAINING, AND EMPLOYMENT" (continued)

RECOMMENDATION 5: (continued)

(6) IF WORKMAN'S COMPENSATION AND UNEMPLOYMENT INSURANCE ARE NOT PROVIDED; AND

(7) IF A CHANGE OF LOCALE IS REQUIRED AND THE NEW JOB WILL NOT ASSURE REGULAR EMPLOYMENT AND SUFFICIENT INCOME TO MAKE SUCH INDIVIDUAL AND FAMILY IN ELIGIBLE FOR BENEFITS UNDER PART D AND SUPPLEMENTARY PAYMENTS UNDER PART E.

(2) GC's illegible

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PROPOSED REGULATIONS LANGUAGE FOR THE FAMILY ASSISTANCE PLAN

INTRODUCTION

The analysis which follows identifies areas where the Family Assistance legislation is not entirely responsive to the migrants needs and makes Recommendations for inclusion in the Regulations (including Policy Guidelines) which will better serve the migrant community.

Some of these suggestions would better apply to legislative changes. However, in view of the Administration's concern to expedite passage of the bill, it may be more reasonable to take action through the Regulations. We recognize that some of the comments, especially where examples are suggested, are fairly obvious. However, experience has shown that many people have little familiarity with the migrant life style. Thus, the examples are explicit in showing how certain provisions apply to the migrant rather than assuming the connection will be made.

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I. "PART D - FAMILY ASSISTANCE PLAN"

A. "SEC 442 ELIGIBILITY FOR AND AMOUNT OF FAMILY ASSISTANCE BENEFITS"

1. "SEC 442(c)(1) PERIOD FOR DETERMINATION OF BENEFITS"

"A family's eligibility for and amount of family assistance benefits shall be determined for each quarter of a calendar year. Such determination shall be made on the basis of the Secretary's estimate of the family's income for such quarter, and such estimate shall in turn be based on income for a preceding period unless he has reason to believe that modifications in income have or are likely to occur on the basis of changes in conditions or circumstances ..."

RECOMMENDATION 1:

AN EXAMPLE SHOULD BE GIVEN IN THE POLICY GUIDES TO CITE AGRICULTURAL EMPLOYMENT, PARTICULARLY MIGRANT AGRICULTURAL EMPLOYMENT AS THE TYPE OF OCCUPATION WHERE INCOME TENDS TO BE VERY UNEVEN AND AN EXTENDED TIME PERIOD MUST BE CONSIDERED IN ESTIMATING FUTURE INCOME AND NEEDS.

B. "SEC 443 INCOME"

1. "SEC 443(a)(1)(A) MEANING OF INCOME"

"For purposes of this part, income means both earned income and unearned income ... and

"(1) earned income means only

"(A) remuneration for services performed as an employee (as defined in Section 210), other than remuneration to which Section 209(b), (c), (d), (f), or (k), or Section 211 would apply; and ..."

RECOMMENDATION 2:

SINCE SECTION 209(h) OF THE SOCIAL SECURITY ACT IS EXCLUDED, WE RECOMMEND A REALISTIC NATIONAL SCALE BE ESTABLISHED FOR THE VALUE OF INCOME TO AVOID THE EXAGGERATED CLAIMS OF THE VALUE OF MIGRANTS' ROOM AND BOARD MADE BY SOME GROWERS. THE SOCIAL SECURITY ADMINISTRATION'S POLICY GUIDES HAVE SOME STATE FIGURES WHICH CAN BE AVERAGED FOR A REASONABLE NATIONAL FIGURE. (SEE ATTACHMENT I)

2. "SEC 443(b)(1) EXCLUSIONS FROM INCOME"

"In determining the income of a family there shall be excluded (1) subject to limitations (as to amount or otherwise) prescribed by the Secretary, the earned income of each child in the family who is, as determined by the Secretary under regulations, a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment;"

RECOMMENDATION 3:

IN CONSIDERING HOW MUCH, IF ANY, STUDENT INCOME IS TO BE COUNTED TOWARD THE FAMILY'S INCOME, EXCLUDE A REALISTIC AMOUNT TO COVER THE STUDENT'S TUITION, ROOM, BOARD, AND NORMAL LIVING EXPENSES.

C. "SEC 444 RESOURCES"

1. "SEC 444(a)(1) AND (2) EXCLUSIONS FROM RESOURCES"

"In determining the resources of a family there shall be excluded "(1) the home, household goods, and personal effects, and "(2) other property which, as determined in accordance with and subject to limitations in regulations of the Secretary, is so essential to the family's means of self-support as to warrant its exclusion."

RECOMMENDATION 4:

SPECIFY THAT AN AUTOMOBILE (OR OTHER MOTOR VEHICLE) SHOULD ALWAYS BE CONSIDERED ESSENTIAL TO A FAMILY'S SELF-SUPPORT SINCE, FOR THE VAST MAJORITY OF PEOPLE, A MOTOR VEHICLE IS NECESSARY FOR SOME OF THE FOLLOWING:

1. TO SEEK EMPLOYMENT
2. TO TRAVEL TO AND FROM WORK
3. TO OBTAIN MEDICAL CARE
4. TO DO COMPETITIVE SHOPPING
5. TO PARTAKE IN RECREATIONAL ACTIVITIES

IF IT IS NOT POSSIBLE TO BLANKET IN MOTOR VEHICLES FOR ALL BENEFICIARIES IN THE REGULATIONS, THEN THE POLICY GUIDES SHOULD IDENTIFY MIGRANT LABOR AS ONE SPECIFIC OCCUPATION WHERE A MOTOR VEHICLE IS NECESSARY FOR SELF-SUPPORT. THUS, A MIGRANTS' MEANS OF TRANSPORTATION SHOULD ALWAYS BE EXCLUDED.

I. "PART D - FAMILY ASSISTANCE PLAN" (continued)

D. "SEC 445 MEANING OF FAMILY AND CHILD"

1. "SEC 445(a)(1) and (2) COMPOSITION OF A FAMILY"

"Two or more individuals
"(1) who are related by blood, marriage or adoption,
"(2) who are living in a place of residence maintained by one or more of them as his or their own home,"

RECOMMENDATION 5:

PROVIDE A SUFFICIENTLY BROAD DEFINITION OF ADOPTION TO INCLUDE THOSE SITUATIONS WHERE AN ADOPTED CHILD IS NOT LEGALLY ADOPTED BUT IS LIVING WITH AND DEPENDENT UPON AN ADULT FOR AT LEAST 50% OF HIS SUPPORT. SUCH A CHILD SHOULD BE CONSIDERED ADOPTED FOR THE PURPOSES OF F.A.P.

RECOMMENDATION 6:

SPECIFY THAT BLOOD RELATIONSHIPS INCLUDE SUCH RELATIONSHIPS AS GRAND-PARENTS - GRANDCHILD, UNCLE - NEPHEW, ETC.

RECOMMENDATION 7:

MOBILE OR TEMPORARY STRUCTURES SUCH AS CARS, BUSSES, TRAILERS, TENTS, AND LABOR CAMPS SHOULD BE CONSIDERED TO MEET THE DEFINITION OF "RESIDENCE" WHEN IT SERVES AS THE APPLICANT'S HOME, AS OFTEN IS THE CASE WITH MIGRANT FARMWORKERS.

E. "SEC 446 PAYMENTS AND PROCEDURES"

1. "SEC 446(a)(2) PAYMENTS OF BENEFITS"

"Payment of the family assistance benefit of any family may be made to any one or more members of the family, or, if the Secretary deems it appropriate, to any person, other than a member of such family, who is interested in or concerned with the welfare of the family."

RECOMMENDATION 8:

PAYMENT TO A REPRESENTATIVE PAYEE SHOULD NOT BE MADE FOR AN ADULT BENEFICIARY UNLESS HE IS CLEARLY MENTALLY OR PHYSICAL INCAPABLE OF HANDLING HIS OWN BENEFITS. SUCH INCAPABILITY SHOULD BE ATTESTED TO BY A MEDICAL DOCTOR OR THE COURTS.

1. "SEC 446(a)(2) PAYMENTS OF BENEFITS" (continued)

RECOMMENDATION 9:

PAYMENT OF BENEFITS ON BEHALF OF A F.A.P. BENEFICIARY TO A REPRESENTATIVE PAYEE SHOULD BE MADE BASED ON THE PAYEE'S PERSONAL INTEREST IN THE BENEFICIARY AND HIS ABILITY TO USE THE FUNDS SOLELY FOR THE BENEFICIARY'S NEEDS. WE SUGGEST USING THE SOCIAL SECURITY REGULATIONS, REGULATION #4, SUB-PART Q, "REPRESENTATIVE PAYEE," AS WELL AS THE GUIDES CONTAINED IN THE SOCIAL SECURITY'S CLAIMS POLICIES. IT IS IMPORTANT TO NOTE THAT MIGRANT FARMWORKERS ARE OFTEN VICTIMIZED BY CREW LEADERS WHO TRADITIONALLY HAVE ACTED AS FINANCIAL INTERMEDIARY BETWEEN FARM EMPLOYER AND MIGRANT FARMWORKER. EVEN STATE AND LOCAL OFFICIALS GENERALLY ARE NOT RESPONSIVE TO MIGRATORY LABOR SINCE THEIR MOBILITY DOES NOT PERMIT THEM TO BECOME A PART OF THE COMMUNITY STRUCTURE. (SEE ATTACHMENT 3)

2. "SEC 446(a)(1) APPLICATIONS AND FURNISHING OF INFORMATION BY FAMILIES"

"The Secretary shall prescribe regulations applicable to families or members thereof with respect to the filing of applications, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary to determine eligibility for and amount of family assistance benefits."

RECOMMENDATION 10:

IN THE INTEREST OF A PROMPT PAYMENT OF BENEFITS, THE REGULATIONS SHOULD PROVIDE FOR A DECLARATIVE SYSTEM WHICH ACCEPTS THE INFORMATION AND DATA SUBMITTED WITH, OR ON THE APPLICATION FOR THE PURPOSE OF MAKING IMMEDIATE PAYMENT. THESE DECISIONS CAN THEN BE VALIDATED AT A LATER DATE.

FOR THE PURPOSE OF VALIDATING INFORMATION IT IS SUGGESTED THAT EMPHASIS BE PLACED ON THE CLAIMANTS' STATEMENTS RATHER THAN FORMAL PROOFS. THE SOCIAL SECURITY ADMINISTRATION'S C2-C3 RULE (SEE ATTACHMENT 2) WHICH RELIES ON THE CLAIMANTS' STATEMENT TO ESTABLISH MARRIAGE IN LIEU OF A MARRIAGE CERTIFICATE (UNLESS THERE IS A RATIONAL REASON TO DOUBT THE STATEMENTS) IS AN EXAMPLE OF THIS. PROOFS OF MARRIAGE, AGE, ETC. CAN BE DIFFICULT TO OBTAIN IN RURAL AREAS AND THE PROBLEM IS COMPOUNDED WHEN RACIAL AND ETHNIC FACTORS ARE ADDED OR WHEN MEXICAN BORN FARMWORKERS ARE INVOLVED.

I. "PART D - FAMILY ASSISTANCE PLAN" (continued)

F. "SEC 448 DENIAL OF BENEFITS IN CASE OF REFUSAL OF MANPOWER OR REHABILITATION SERVICES, TRAINING, OR EMPLOYMENT"

1. "SEC 448(b)(1) and (2) "DENIAL OF BENEFITS IN CASE OF REFUSAL OF MANPOWER OR REHABILITATION SERVICES, TRAINING, OR EMPLOYMENT"

"(b) No family shall be denied benefits under this part, or have its benefits under this part reduced, because an individual who is a member of such family refuses work under any of the following conditions:
"(1) if the position offered is vacant due directly to a strike, lockout, or other labor dispute;
"(2) if the wages, hours, or other terms of conditions of the work offered are contrary to or less than those prescribed by Federal, State, or local law are substantially less favorable to the individual than those prevailing for similar work in the locality;"

RECOMMENDATION 11:

THE DEFINITION OF "OTHER LABOR DISPUTES" SHOULD EXPRESSLY INCLUDE DISPUTES IN TYPES OF EMPLOYMENT NOT COVERED UNDER PROVISIONS OF THE NATIONAL LABOR RELATIONS ACT, e.g. FARM WORK.

RECOMMENDATION 12:

IN LINE WITH SEC 448(b)(2), PROVIDE STANDARDS FOR SUITABILITY OF JOBS WHICH INCLUDE HEALTH AND SAFETY STANDARDS, WORKMAN'S COMPENSATION, UNEMPLOYMENT INSURANCE, AND DURATION OF EMPLOYMENT.

II "PART E - STATE SUPPLEMENTATION OF FAMILY ASSISTANCE BENEFITS"

A. "SEC 452 ELIGIBILITY FOR AND AMOUNT OF SUPPLEMENTARY PAYMENTS"

1. "SEC 452(c)(4)(b) ELIGIBILITY FOR AND AMOUNT OF SUPPLEMENTARY PAYMENTS"

"The agreement with a State under this part shall
"(4) provide ... (b) for the training and effective use of paid sub-professional staff, with particular emphasis on the full - or part-time employment of recipients of supplementary payments and other persons of low income, as community services aides, in carrying out the agreement and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants for and recipients of supplementary payments and assisting any advisory committees established by the State agency;"

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1. "SEC 452(c)(4)(b) ELIGIBILITY FOR AND AMOUNT OF SUPPLEMENTARY PAYMENTS" (continued)

RECOMMENDATION 13:

THE RACIAL AND ETHNIC COMPOSITION OF THE STAFF SHOULD REFLECT THE RACIAL AND ETHNIC COMPOSITION OF THE POPULATION SERVED. THIS SAME SUGGESTION APPLIES TO THE STAFF WHICH WILL BE ASSIGNED TO ADMINISTER PART D.

B. "SEC 463 REPORT, EVALUATION, RESEARCH AND DEMONSTRATION, AND TRAINING AND TECHNICAL ASSISTANCE"

1. "SEC 463(a) REPORT, EVALUATION, RESEARCH AND DEMONSTRATION, AND TRAINING AND TECHNICAL ASSISTANCE"

"The Secretary shall make an annual report to the President and the Congress on the operation and administration of Parts D and E, including an evaluation thereof in carrying out the purposes of such parts and recommendations with respect thereto. The Secretary is authorized to conduct evaluations directly or by grants or contracts of the programs authorized by such parts."

RECOMMENDATION 14:

UNDER THIS SECTION OR ANY OTHER APPROPRIATE SECTION, CITIZEN BOARDS COMPRISED PRIMARILY OF F.A.P. RECIPIENTS, WHICH WILL ASSIST IN THE EVALUATION OF THE EFFECTIVENESS OF THE FAMILY ASSISTANCE PROGRAM SHOULD BE REQUIRED. THESE BOARDS SHOULD BE ESTABLISHED ON THE FEDERAL, STATE, AND LOCAL LEVEL.

2. "SEC 463(b) REPORT, EVALUATION, RESEARCH AND DEMONSTRATION, AND TRAINING AND TECHNICAL ASSISTANCE"

"The Secretary is authorized to conduct directly or by grants or contracts research into or demonstrations of way of better providing financial assistance to needy persons or of better carrying out the purposes of Part D ..."

RECOMMENDATION 15:

ESTABLISH A DEMONSTRATION PROJECT TO: (1) DETERMINE THE EFFECTIVENESS OF F.A.P. WITH REGARD TO MIGRATORY FARM LABORERS; AND (2) DEVELOP SUPPORTIVE AND MANPOWER SERVICES SPECIFICALLY AIMED AT ENCOURAGING RESETTLEMENT ATTEMPTS MADE BY MIGRATORY FARM LABORERS AND THEIR FAMILIES IN LIGHT OF FARM LABOR DISPLACEMENT PROJECTIONS.

2. "SEC 463(b) REPORT, EVALUATION, RESEARCH AND DEMONSTRATIONS, AND TRAINING AND TECHNICAL ASSISTANCE" (continued)

RECOMMENDATION 16:

ESTABLISH RESEARCH AND DEMONSTRATION PROJECTS WHICH ADDRESS:

(1) THE TYPES OF VOCATIONAL PROGRAMS THAT SHOULD BE AIMED AT TRAINING AND RETRAINING DISPLACED MIGRANT FARMWORKERS:

(2) MECHANIZATION AND TECHNOLOGICAL DEVELOPMENTS IN AGRICULTURE AND HOW PEOPLE SHOULD BE TRAINED IN THE SKILLS NECESSARY AS AS A RESULT OF THE MECHANIZATION AND NEW TECHNOLOGY:

(3) THE DEVELOPMENT OF A HIERARCHY OF JOB OPPORTUNITIES OF CAREER LADDERS AS SUGGESTED BY JAMES W. BECKET IN "FARM LABOR DEVELOPMENTS," DECEMBER 1969, PG. 9; AND

(4) THE LOGISTICAL REQUIREMENTS FOR PROVIDING ASSISTANCE PAYMENTS TO A MIGRANT MOBILE POPULATION.

RECOMMENDATION 17:

CREATE A MODEL PROGRAM FOR SUPPORTIVE SERVICE, AS DEFINED IN SEC 2001 AND 2002, TO MIGRANTS FOR RESETTLEMENT. SUCH A PROGRAM SHOULD INCLUDE MIGRANTS IN ITS PLANNING AND EXECUTION, AND OFFER AN EXAMPLE FOR STATES TO FOLLOW, AS WELL AS PROVIDE INCENTIVES (e.g. FINANCIAL ATTRACTIVENESS) TO STATES TO DEVELOP SIMILAR PROGRAMS IN BOTH HOME BASE AND USER STATES.

III. "PART C - MANPOWER SERVICES, TRAINING, EMPLOYMENT, AND CHILD CARE PROGRAMS FOR RECIPIENTS OF FAMILY ASSISTANCE BENEFITS OR SUPPLEMENTARY PAYMENTS"

A. "SEC 431 OPERATION OF MANPOWER SERVICES, TRAINING AND EMPLOYMENT PROGRAMS"

1. "SEC 431 OPERATION OF MANPOWER SERVICES, TRAINING, AND EMPLOYMENT PROGRAMS"

"431(a) - The Secretary of Labor shall, for each person registered pursuant to Part D, in accordance with priorities prescribed by him, develop or assure the development of an employability plan describing the manpower services, training, and employment which the Secretary of Labor determines what each person needs in order to enable him to become self-supporting and secure and retain employment and opportunities for advancement."

1. "SEC 431(a) OPERATION OF MANPOWER SERVICES, TRAINING, AND EMPLOYMENT PROGRAMS" (continued)

RECOMMENDATION 18:

DHEW SHOULD URGE THE DEPARTMENT OF LABOR TO RESERVE A SUBSTANTIAL NUMBER OF TRAINING SLOTS FOR MIGRANT AND SEASONAL FARMWORKERS. PERHAPS A CERTAIN PERCENTAGE, e.g. 1/3 OF THE 75,000 SLOTS RESERVED FOR THE WORKING POOR CAN BE EARMARKED FOR SEASONAL AND MIGRATORY AGRICULTURAL LABOR. THIS PROVISION WILL ASSURE HELP TO THOSE WHO ARE IN THE MOST DESPERATE NEED WITHOUT DEPENDING ON STATE AND LOCAL AUTHORITIES TO PROVIDE ASSISTANCE TO THIS POLITICALLY UNREPRESENTED GROUP OF PEOPLE.

IV. GENERAL RECOMMENDATIONS

A. REGULATIONS

In order to insure that the benefits of the Family Assistance Program including the payment of supplementary benefits are available and accessible to the eligible and potentially eligible migrants and others it serves, it is suggested that the following regulation provisions be included in any appropriate Sections of Part D and E:

(1) OFFICE HOURS IN THE EVENING AND/OR WEEKENDS. (IF APPROPRIATE, THERE MIGHT BE FEDERAL MATCHING FOR EXTENDED OFFICE HOURS.)

(2) MOBILE OFFICES OR CONTACT STATIONS SHOULD BE SET UP IN AREAS WHERE TRANSPORTATION IS LIMITED, OR WHERE AN OFFICE MUST SERVE A LARGE GEOGRAPHICAL AREA. (IF APPROPRIATE, THERE SHOULD BE FEDERAL MATCHING FOR MOBILE OFFICES AND/OR CONTACT OFFICES.)

(3) FORMS AND PRINTED INFORMATION SHOULD BE BILINGUAL IN THOSE LOCAL AREAS WHERE A LANGUAGE OTHER THAN ENGLISH IS SPOKEN BY A SUBSTANTIAL NUMBER OF THE TARGET POPULATION.

(4) ADEQUATE OUT-REACH SYSTEM.

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ATTACHMENTS

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NATIONAL VALUE OF IN-KIND REMUNERATION

(Computed from data contained in the Social Security Administration's Claims Policy Guide-CM 1141.2 "Table on Value of Board and Lodging")

The following table was computed by averaging the State figures shown in CM 1141.2. The State figures are based on the minimum value placed on remuneration in kind in the rules and regulations issued under State Unemployment Compensation Laws.

Cost[1]	per week	-	meals and lodging	- $12.05
Cost[2]	per week	-	meals	- 8.57
Cost[3]	per day	-	meals	- 1.20
Cost[4]	per meal	-	meals	- .45
Cost[5]	per week	-	lodging	- 3.73
Cost[6]	per day	-	lodging	- .59

[1] Average cost - 32 States reporting.

[2] Average cost - 34 States reporting.

[3] Average cost - 27 States reporting.

[4] Average cost - 42 States reporting.

[5] Average cost - 42 States reporting.

[6] Average cost - 34 States reporting.

SOCIAL SECURITY CLAIMS POLICY GUIDE

(Proof of Marriage GN 237)

"237. Proof of Marriage.—(a) Ceremonial Marriage.— A ceremonial marriage may be proved by a certified copy of the public or church record of marriage or the original marriage certificate. The wife's statement on her application that she was ceremonially married to the WE may be generally accepted if it is confirmed in writing by the WE (usually on his SSA-3, Husband's Certification, or when his wife is concurrently filing, in his reply to the marital relationship questions on his application for RIB or DIB, SSA-1 (Application for Retirement Insurance Benefits) or SSA-16 (Application for Disability Insurance Benefits). However, documentary evidence offered by the claimant should always be included in the file ..."

Subpart Q—Representative Payee

Source: The provisions of this Subpart Q appear at 26 F.R. 11827, Dec. 8, 1961; 26 F.R. 11936, Dec. 14, 1961, unless otherwise noted.

§ 404.1601 Payments on behalf of an individual.

When it appears to the Administration that the interest of a beneficiary entitled to a payment under Title II of the Act would be served thereby, certification of payment may be made by the Administration, regardless of the legal competency or incompetency of the beneficiary entitled thereto, either for direct payment to such beneficiary, or for his use and benefit to a relative or some other person as the "representative payee" of the beneficiary. If appointment of a legal guardian, committee or other legal representative for a beneficiary, may otherwise be proper, the Administration may, at any time, withhold certification of payment to a beneficiary or to a relative or other person on behalf of a beneficiary until a guardian, committee, or other legal representative who is duly authorized to receive payments on behalf of such beneficiary, has been appointed.

§ 404.1602 Submission of evidence by representative payee.

Before any amount shall be certified for payment to any relative or other person as representative payee for and on behalf of a beneficiary, such relative or other person shall submit to the Administration such evidence as it may require of his relationship to, or his responsibility for the care of, the beneficiary on whose behalf payment is to be made, or of his authority to receive such payment. The Administration may, at any time thereafter, require evidence of the continued existence of such relationship, responsibility or authority. If any such relative or other person fails to submit the required evidence within a reasonable period of time after it is requested, no further payments shall be certified to him on behalf of the beneficiary unless for good cause shown, the default of such relative or other person is excused by the Administration, and the required evidence is thereafter submitted.

§ 404.1603 Responsibility of representative payee.

A relative or other person to whom certification of payment is made on behalf of a beneficiary as representative payee shall, subject to review by the Administration and to such requirements as it may from time to time prescribe, apply the payments certified to him on behalf of a beneficiary only for the use and benefit of such beneficiary in the manner and for the purposes determined by him to be in the beneficiary's best interest.

§ 404.1604 Use of benefits for current maintenance.

Payments certified to a relative or other person on behalf of a beneficiary shall be considered as having been applied for the use and benefit of the beneficiary when they are used for the beneficiary's current maintenance—i.e., to replace current income lost because of the disability, retirement, or death of the insured individual. Where a beneficiary is receiving care in an institution (see § 404.1606), current maintenance shall include the customary charges made by the institution to individuals it provides with care and services like those it provides the beneficiary and charges made for current and foreseeable needs of the beneficiary which are not met by the institution.

§ 404.1605 Conservation and investment of payments.

Payments certified to a relative or other person on behalf of a beneficiary which are not needed for the current maintenance of the beneficiary except as they may be used pursuant to § 404.1607, shall be conserved or invested on the beneficiary's behalf. Preferred investments are U.S. Savings Bonds, but such funds may also be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association if the account is either Federally insured or is otherwise insured in accordance with State law requirements. Surplus funds deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a

APPENDIX V

STATE OF MINNESOTA
GOVERNOR'S
OFFICE OF ECONOMIC OPPORTUNITY
104 Capitol Square — 550 Cedar Street
ST. PAUL, MINNESOTA 55101

612/221-2367

August 5, 1971

Dear Sir

Enclosed you will find a copy of a report concerning Migrants and their problems with the Federal Food Assistance programs. The report was developed, initially, for use by the Regional Interagency Migrant Coordinating Committee (RIMCC) as a subcommittee of the Chicago Regional Council. The report and recommendations has been accepted by RIMCC and forwarded with their endorsement to the Regional Council.

We have provided a copy for your information because of your interest and concern for the farmworkers plight in America today.

Sincerely

Peter Moreno

Peter Moreno, Chairman
Food Sub-Committee

Nancy Caldwell

Arturo Lopez

STATE OF MINNESOTA
GOVERNOR'S
OFFICE OF ECONOMIC OPPORTUNITY
104 Capitol Square — 550 Cedar Street
ST. PAUL, MINNESOTA 55101

612/221-2367

Part I

June 30, 1971

In applying to participate in one of the Federal Food Assistance programs it is necessary for one to verify his income and prove his eligibility. The regulations that USDA has developed to certify eligible participants for food stamps and commodities are in many ways contradictory, inadequate and most importantly they are often interpretted in such a fashion as to effectively eliminate the very persons that they are intended to serve. It is to this point that we wish to direct our comments.

A major factor which perpetuates the continuance of these procedures is the apparent lack of or inadequate communication between and within USDA offices and Welfare offices. The result of this situation is normally detrimental to the potential participant because his lack of knowledge about these programs leaves him without facility to direct his own life. He must follow the recommendations of the caseworker who may be very uninformed and furthermore he has no basis to question the proceedings (that is, if he does not fear vengeance in the form of not being certified). For instance, frequently a caseworker will neglect or not know or not remember etc. to

discuss hardship deductions with an applicant. Nevertheless, hardship deductions are often a decisive factor in either obtaining certification itself or in significantly reducing purchase requirements. We believe it is imperative that correct and complete information be communicated to all persons involved in certification and issuance with the emphasis that they are there to assist the applicant in every way possible.

If we review the procedures and the content of different phases of the programs we may provide an insight as to other areas of problems (as viewed by the participants).

Application - one must apply for these programs; the difficulty lies in the fact that to apply one must usually go to the proper office (usually the Welfare office which is normally located in the county seat) during office hours. By this method, persons of low income are required to lessen their income by (a) taking time off from their jobs, (b) to travel some distance and (c) wait until their turn arrives for (d) their time consuming interview. Realizing that an application is necessary - we wish to indicate that it is merely the procedures which are so discouraging and demoralizing.

Certification - again we note that the procedure for certification leaves much to be desired. But in dealing with the content of the certification we find some additional limitations, contradictions, and inadequacies. For

instance, students earnings are counted as income during certification when the student is over 18 - whereas a student is exempt under Social Security Benefits and Federal Income Tax until he is 22 years of age. This is a contradiction between federally regulated programs for which guidelines are inadequately written which causes limitations to the participants. It is also unclear that a student remains in that status during academic vacations. Another case in point, proceeds on a loan are counted as income under present certification methods whereby the Federal Government does not require that this be done in reporting income for taxation purposes. Furthermore, it is required that the applicant prove his income by whatever means available, but the traditional means (pay stubs, receipts, etc.) are not available to many low-income persons. It seems inconsistent that one department of the government should require written information while the department of the government which regulates that information does not require that it be made available. In an effort to ease this situation Welfare Departments often try to assist the applicant by telephoning the employer for the proper information.

The fault in this procedure lies in the fact that many employers are over-zealous in their reporting of anticipated income i.e. through good intentions they report more income than the person will actually make. Moreover many employers are uncooperative and/or provide incorrect information.

Then the person is certified on the basis of this anticipated income. Whether this estimate of income has been correct or not is irrelevant due to the fact that it will not become a reality for 2, 3 or 4 weeks. The problem then is where will the money come from to meet the purchase requirement? Too often the employer provides help by offering to loan the employee money - this is another point of concern. Not only are loans counted as income when they are received but moneys being used to repay debts, such as these loans, are also counted as income.

Another ploy in the game of certification appears when applicants are not prepared to prove their income data (usually because they have no knowledge of what is necessary); their interviewer sends them away to collect the proper information - this results in unnecessary delays, discouragement, and is time consuming and expensive (travel costs and time off from jobs) and often results in the refusal of applicants to participate.

Deductions are also a very large problem area - what deductions are available is an unclear, unknown hidden quantity. Deductions seem to be flexible and not all are mandatory - such as travel, utilities and money reserved for children's education. Some states carry deductions while others do not.

These deductions coupled with the inequitable methods of determining net income for public assistance and non-public assistance cases (through separate

scales) are reprehensible in that they do not work to the benefit of the applicant at all times. Another point of controversy is the residency requirement which we understand to mean that a person must simply - reside in the project area at the present time, the trouble comes when interviewers are permitted to require "intent to reside" which is a permanent residency necessary for Welfare recipients but not for Federal Food Assistance programs.

Persons who apply for certification for commodities or food stamps on emergency basis usually do so because they have no food nor the money needed to purchase food. However, it has become procedure that those persons are certified on the basis of anticipated income rather than emergency. With the foresight of a paycheck at the end of the month or in 3 weeks etc., a person is then certified on the basis of that (expected in 3 weeks) income to purchase food stamps. But what do we expect him to use to purchase those stamps with? A reminder here - if he borrows money to buy the stamps the amount borrowed and the amount used to repay will be counted as income (a force working against him). How will he buy the stamps? Persons requesting commodities are usually forced to wait because the issuing officer has not ordered enough and has none on hand. In the meantime, how will this family eat? It seems very inconsistent that the Federal Food Assistance programs cannot be geared to do what they purport to do - feed the hungry poor.

Issuance - Once one is participating in a program providing food or stamps one must physically - go and get them. The difficulty here lies in the fact that to get them one must go to the proper office (usually welfare, township, or a bank) during appointed or office hours. By this method we are again requiring persons of low-income to lessen their income (a) taking time off from their jobs (b) to travel some distance and (c) to wait until their turn for services arrives. And in the case of commodities burdening the person with perhaps a heavy load (100 pounds or more) because the service is only available once a month.

Part II

The first section has provided a surface description of some of the many problems that participants experience in dealing with the Federal Food Assistance programs. Reviewing the above comments it is evident to us that some Federal Legislation or adequate enforcement and information concerning present regulations is necessary to alleviate the problems with these programs. We have considered the situation and see there are many places where change or clarification is necessary and could be achieved within the present regulations. It is our contention that if communications were clear and complete many "problems" would be immediately resolved. For example, we realize the State Departments of Welfare have interpretted the residency requirement one way while some caseworkers are utilizing other definitions - such as permanent residency or intent to reside clauses. Proper communications would solve this. It is imperative that some method be provided to insure that all caseworkers have all the appropriate and most recent information concerning these programs; this is necessary to benefit those very persons whom these programs intend to assist. The principle of the matter here being that lack of information and advocacy on the part of the State and Federal employees continually serves as an effective tool to eliminate participants. We have not spoken of advocacy of the poor previously

because the matter hinges on emotions; let it suffice to say that persons in positions of local or federal government dealing with the public should be total advocates for the poor of that public. It is appalling that we are forced to say should be advocates and not that this is already the case.

We would like to make recommendations based on our various experiences and knowledge: We recommended that the Regional Council request the Regional DHEW Director to give positive consideration to the following items and to instruct the State Welfare Agency Directors to implement them:

A. That each agency shall take the most liberal position possible in interpretting and implementing regulations determining these programs.

B. That each agency insures that every employee who is involved with these programs has complete knowledge and understanding of all parts of these programs.

C. That work schedules in counties be altered so that the hours for certification of food stamps and commodities, and their distribution and issuance be convenient to the participant so that he may participate in these programs without loss of work.

D. That the number of days per month that certification, distribution and issuance are available to the community be sufficient so that no family in need of assistance should have to wait more than one (1) day to receive same.

E. That locations of certification and issuance centers be centralized in order to minimize the inconvenience and transportation cost to the target population.

F. That migrants when entering a state be certified for participation in family food programs for the duration of their stay in the state, even if they cross county lines. This will offer considerable savings in time and costs for both farmworkers and county welfare departments.

G. That State Welfare Directors initiate negotiations with other Great Lakes State Departments which will result in the acceptance of their certification of mirgrants when entering the state.

H. That State and County Welfare Departments which serve Spanish speaking people actively recruit bilingual staff, and provide public information about their programs in appropriate Spanish and English.

I. That State and County agencies contract with organizations of poor persons, CAA's and other groups which work with the poor to conduct outreach concerning their programs to farm workers and other members of the target population.

J. That State agencies write a policy clarifying certifications procedures for farm workers, until such time as USDA does so. This will make for a uniform procedure throughout the state. It should be writeen

to maximize the possible participation for farm workers, specifying such things as: no income earned by a student shall be counted as income (even if he is on his summer vacation); that no farm worker will be denied participation on the basis of anticipated (but impossible to determine) income, that emergency certification is available for a period of one month or less on the basis of cash on hand, not on anticipated income etc. This policy shall be sent to each county department and made available to the public.

K. That State agencies design a method of verifying income consistent and appropriate to the means available to the low income persons involved. (There is no legislation, to our knowledge, which requires employers to provide information as to withholdings and deductions, etc. to employees as they are paid.)

L. That each State Plan be reviewed to determine if it allows all possible hardships, deductions, certification pending verification of eligibility, disregarding students income, etc. which benefit the farm worker. Those items it does not include should be applied for as amendments immediately, so they can be implemented as soon as possible.

M. That the State agencies cooperate with efforts to develop community awareness of federal food programs and the SEOO sponsored nutrition conferences.

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We Recommend that the Regional Council request the Regional USDA Director to give positive consideration to the following items and to instruct the appropriate staff to implement them:

A. That all USDA forms be provided in Spanish.

B. That instructions and explanations of all forms be provided in both English and Spanish.

C. That these informations be in such form that they may be taken (home or out of the office) as a personal copy.

D. That a copy of all applications be made available to the participant at his request for his personal records.

E. That Fair Hearing procedures be published and be provided to all applicants.

F. That USDA regulate minimum standards of locations and hours of operations based on convenience to the target population.

G. That USDA activiely participate in the initial and on going training and establishment of office procedures in project areas.

H. That USDA detail what is required and what is acceptable for verification of income and monitor its implementation especially in the case of farm workers.

I. That USDA clarify and monitor the residency requirement.

J. That USDA clarify and monitor emergency certification.

K. That USDA include in the State Plan the above recommendations: a, b, d, e, f, h, i, j, and m

L. Upon acceptance, these changes shall be sent to each county department and made available to the public.

M. That proof of citizenship not be used as an eligiblity requirement for participation in federal food assistance programs.

We recommend that the Regional Council request the Director of each State Office of Economic Opportunity to give positive consideration to the following item and to instruct the appropriate staff to implement it:

That they cooperate with OEO and DHEW by initiating a statewide working conference, to be attended by representatives of CAA's, poor people's organizations, and concerned civic groups and public agencies. The purpose of the conference will be to review the current practices, State Plan, regulations and legislation of USDA family assistance programs and make recommendations for desired changes in each of these.

We recommend that the members of the Regional Council give consideration to the following item and that they take action to implement it:

That funding be made available when necessary to hold the aforementioned statewide nutrition conferences, and that technical assistance be made available in the preparation of these conferences when requested.

NUTRITIONAL STATUS OF PRESCHOOL MEXICAN - AMERICAN MIGRANT FARM CHILDREN

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ABSTRACT

The nutritional and medical problems of 300 Mexican-American preschool children of migrant workers were evaluated in the spring of 1969 in Colorado. Outstanding in the history was the high infant mortality of 63 per 1000 live births. Frequent findings on physical examination included: low height attainment, upper respiratory infections, skin infections, dental caries, enlarged livers, hypertrophied tongue papillae, and conjunctival folliculitis. Biochemical testing showed low vitamin A levels in 159 children, low alkaline phosphatase in 120 children, and low total serum proteins in 28 children. Possible methods for improving the nutrition and health of the migrant children are discussed.

Migrant farm labor is presently being used in all states of the United States. Because of a lack of uniform record keeping, it is impossible to accurately estimate the number of migrant farm laborers. Estimates have ranged from 25,000 [1] to 100,000 [2] migrants annually in the state of Colorado, and Colorado is believed to have the nineteenth largest migrant population of the fifty states. Since discontinuing the usage of alien farm workers transported from outside the United States, there has been an apparent increase in family travel of migrant laborers, resulting in nutritional and health problems for the children. Information has not previously been available concerning the medical and nutritional problems of these children. An earlier study described biochemical alterations in negro migrant workers in New York state.[3] A recent nutritional survey done in Texas[4] probably also includes evaluation of some preschool children of Mexican-American farm workers. The purpose of the present study was to evaluate the nutritional-medical problems of the preschool children of the Mexican-American farm laborers.

METHODS

Three hundred Mexican-American children, age six years or below, were studied in May and June, 1969. Children were studied in two locations each in northeastern and southeastern Colorado. They came to the clinics voluntarily as a result of local publicity, were brought by volunteers, or were seen at one location in southeastern Colorado on the first day of a Head Start-Infant Education School program. The evaluation included medical histories, physical examinations, and blood biochemical determinations. Heights and weights were evaluated by means of the Boston Iowa Growth Grids, and head circumference on an international grid.[5] Interviews concerning food purchasing habits and cooking equipment available to the family were conducted by a nutritionist (J.M.D.). Weekly family shopping lists were compiled for forty randomly selected families.

All laboratory tests were done on venous blood samples drawn after overnight fasting, or in a few cases, four hours after a meal. Vitamins A and C, and serum and RBC folacins were determined at the U.S. Army Medical Research and Nutrition Laboratory, Denver, Colorado, by methods used in the National Nutrition Survey.[6] Other biochemical determinations were done in the Colorado General Hospital Pediatric Microchemistry Laboratory.[7]

RESULTS

Sociologic Data

Sociologic data is available from 151 Mexican American migrant families from which the 300 children were studied. One hundred and sixteen of the families gave their home base as Texas, 26 were intrastate migrants who had left their homes seeking farm labor but lived in Colorado, and the remaining nine families were from six other states. All fathers were farm laborers, working a mean of 6.3 months per year in agriculture and 1.8 months per year in other occupations. Mean educational attainment for the fathers was sixth grade and for the mothers, fifth grade. The mean annual family income was $1885, with 61% of the families having an income of less than $2500 per year and 84% under $3500. Twelve families (7.9%) received financial welfare assistance in some form during the previous year. In 57% of the families only Spanish was spoken; in 36% of the families both Spanish and English were spoken by at least one of the parents; and in 7% of the families only English was spoken. These sociologic findings do not differ from those gathered on a sample of 3500 Mexican- American migrant families by the Colorado Migrant Council between 1966 and 1969. This would suggest that our sample is representative of the Colorado Migrant agricultural population.

Medical History

The mean number of pregnancies per mother was 5.7, with 29 of the 142 mothers having had more than ten pregnancies. Sixty-five of the 825 pregnancies resulted in miscarriages or still births, for a fetal wastage of 79/1000 pregnancies. Forty-eight of the 760 liveborn children died within the first year of life, for an infant mortality of 63/1000 infants. Mean family size was 6.6 persons with 4.6 children per family.

The 300 children were equally divided between males and females in all age groups: 45 children were under one year of age, 31 were between age one and two, 41 between two and three, 66 between three and four, 59 between four and five, and 58 were between the ages of five and seven years. One third of the mothers received no prenatal care or nutritional supplements prior to delivery. Two hundred and thirty-one of the 300 children were born either in the hospital or an out-patient medical clinic. Mean birth weight was 3.2 kg., with 27 children weighing less than 2500 gm at birth. One third of the mothers initiated breast feeding, and 25% were still breast feeding when the child was two months old. Supplementary vitamins were received by 10% of the children in the first six months of life. One half of the children had received no DPT or polio immunizations. Twenty-four mothers gave a history of recurrent diarrhea (more than one episode in the previous year) in their children. Ten percent of the children had never been examined by a physician while 86% of the children two years of age or older had never been seen by a dentist.

Food Purchasing Habits and Dietary Adequacy

Thirty-five families reported spending $20-$30 per week on food with five reporting higher expenditures up to $60. When the shopping lists were priced at the local markets the families were found to have consistently over-estimated the cost of their shopping lists by five to fifteen dollars. The basic weekly food supply for migrant families is reported in Table 1. There was little variation

between type and quantity of food purchased regardless of the family size. However, there is no way to determine individual intake from this data. All of the families reported purchasing at least one third of the foods listed in Column 2, Table I in addition to the standard food supply when adequate money was available. When the additional money was available for the food, the mothers reported that they purchased more meat, milk, fruit (apples, bananas, oranges), and vegetables (tomatoes and lettuce), in that order. If less money was available these foods would be cut out in the reverse order. Candy, flavored beverages, cookies, and sweet rolls were purchased in the same amounts regardless of the money available unless the income was drastically reduced, in which case the sweet foods were eliminated from the diet. There was always a stove in the house for cooking, with one half of these being wood stoves. Less than one-eighth of the families had running water. Pumps in the yards were the usual means of securing water.

Physical Examination Data on the 300 Children

Fifty-four of the 300 children were less than the third percentile for height (Figure 1), 17 were less than the third percentile for weight, and 17 were below the third percentile for head circumference. Hair dyspigmentation was noted in 21 children. Skin findings were prominent with hyperkeratosis in 19 and skin infections in 32 children. Angular lip lesions were present in ten of the children. Eye findings were also prominent, with increased corneal vascularization in 23, dry wrinkled conjunctivae in 56, and folliculitis suggestive of trachoma in 29 children. Mucoid or purulent nasal discharge was present in 69 of the 300 children (23%). Hypertrophic tongue papillae were present in 69 (Figure 2) and atrophic tongue papillae in 36 children. Large tonsils were noted in 67 and large cervical lymph nodes in 36 children. Thirty-nine percent of all the children and 58% of the children over four years of age had dental caries, with a mean of four caries per child. Upper limb muscle mass was decreased in 31 and lower limb muscle mass in 28 children. Epiphyseal wrist swelling was present in 28 children and prominent rib beading in 22 children. Livers were palpable more than two centimeters below the costal margin in the right mid nipple line in 49 of

the 300 children. Skin fold measurements were below the tenth percentile in 52 of 136 girls and 51 of 149 boys (Figure 3).

Laboratory Tests

Hemoglobin and hematocrit values are compared to normal values for the state of Colorado[8] as all children had been in the state at least two weeks. These normal values are similar to those obtained in a nutritional survey of 725 preschool children in the United States[9]. Forty-seven children had hemoglobins below the tenth percentile for age, and forty-one children had hematocrits below the tenth percentile for age (Figure 4).

Levels of serum and RBC folacin, vitamin A, and vitamin C are shown in Table II. Twenty-nine children were below normal in serum folacin levels, and three children were below in RBC folacin levels. One hundred and fifty-nine children (55%) were below normal in serum vitamin A levels. Two children were low in vitamin C levels.

Laboratory results other than vitamin levels are shown in Table III. Serum alkaline phosphatase levels were low in 120 children, blood urea nitrogens were low in 49 children, and amylase activity was reduced in 16 children. Total serum proteins were low in 28 children and serum albumin in 73 children. Serum carotene was low in 219 children. Cholesterol levels were low in 44 children and high in 28.

DISCUSSION

The lack of medical care prior to and following delivery is likely reflected in the high mortality rate in the first year of life. In this study, the Mexican-American migrant infant mortality was found to be 63/1000 live births, compared to 20/1000 live births for the overall United States. The migrant neonatal mortality is comparable to a similar figure for the United States in the year 1930. The migrant family infants should be considered high risk because of the lack of prenatal care, poor housing and sanitation, the lack of continuous post-natal care, and the need of the families to travel with the infants. Their present

mean annual family income of $1885 precludes the use of any hospital facilities. The migrant families at this time do not qualify for Medicaid benefits in most states because they must first qualify for some program of categorical assistance. These commonly include Aid to Dependent Children and programs to assist the blind, disabled, and aged. Rarely do migrating Mexican-American families lack a father, and he is usually employed. Few, if any, migrants are blind, disabled, or aged. Thus, while residency has been eliminated as a requirement for Medicaid, it has been of little use to the migrant worker and his family.

Vitamin A deficiency was the major medical problem found in the migrant children. One hundred and fifty-nine of 288 children (55%) had values in the less than acceptable range as determined by the National Nutrition Survey[6] (Table II). A study of plasma Vitamin A levels in preschool children in the United States recently found a mean value of 33µg% (S.D. =7.6µg%)[10], with 2% of the children having values of 20µg% or less, a level at which they con - sidered night blindness detectable. Fifty-seven of 288 children (20%) in this study had Vitamin A levels of 20µ% or less. Vitamin A levels were analyzed by one-way analysis of variants[11] with items from the sociologic data, medical histories, and physical examinations as independent variables. Analysis showed that mothers of infants who were deficient in Vitamin A had a statistically greater number of pregnancies than mothers of children with normal Vitamin A levels ($p < .01$). Vitamin A levels were also statistically lower in infants whose mothers did not receive nutritional supplementation during pregnancy than in infants whose mothers had received supplemental vitamins. It is likely that the increased number of pregnancies had depleted maternal stores of Vitamin A, but it is also true that there were a larger number of siblings to divide the available food amongst. Both of these factors were likely important in causing the low Vitamin A levels and could be approached through improved prenatal care for the mothers and vitamin supplementation for the infants. Nutrition education will also be important.

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Low vitamin A levels correlated significantly ($p < .05$) with an increased incidence of skin infections and upper respiratory tract infections on the physical examination. Hypertrophy of the tongue papillae (Figure 2) also correlated statistically with low serum vitamin A levels. Dryness and wrinkling of the cornea and increased corneal vascularization did not show any statistically significant correlation to vitamin A levels. Xerophthalmia was not detected in any of the children and dark adaptation was not evaluated. Gamma globulin levels were statistically higher in children with low vitamin A levels ($p < .05$) and likely reflects the increased number of infections. Improvement of vitamin A intake would likely improve the morbidity for infections in the migrant children.

The necessary time to raise serum vitamin A levels is apparently quite long. We restudied nineteen children with low vitamin A levels after a minimum of 28 days in Infant Education-Head Start over a six week period. They received two meals and two snacks per day in the school and oral vitamin drops from the school nurse. In spite of this supplementation, serum levels were still low upon re-evaluation. It is possible that liver stores must be replenished first in vitamin A deficiency, and this is probably what was happening. It was not, however, appropriate to obtain liver biopsies to more accurately assess the degree of vitamin A deficiency.

One hundred and three of 285 children (36%) were below the tenth percentile for tricep skinfold measurements (Figure 3) suggesting reduced caloric intake for these children. Height attainment was low in 54 of the 300 children as measured by a U.S. Growth Grid (Figure 1). As it has been reported that children of upper economic class families in Mexico City have height attainments similar to the U.S. Growth Grids,[12] it appears that low height attainment may be related to nutritional deficiencies. Using a one-way analysis of variants, the children with low low height were found to have statistically lower vitamin C levels ($p < .05$) than children of normal height. This does not mean, however, that the low height attainment was specifically caused by vitamin C deficiency. There was no statistically significant correlation between low height attainment and low vitamin A levels.

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Various biochemical tests other than vitamin levels were determined on these children because of usefulness suggested in previous nutrition surveys and because of the desire to determine the best screening tests for nutritional deficiencies in this population. Alkaline phosphatase activity is important because it may be elevated in children with rickets, but when it is low it may also be a useful screening test for undernutrition.[13] One hundred and twenty of 295 children in this study had low alkaline phosphatase values, and when analyzed by one-way analysis of variance, the low alkaline phosphatase values correlated statistically ($p < .01$) with low height attainment. Alkaline phosphatase values were elevated in only four of the children despite a higher incidence of rib beading and wide wrists. As the children with clinical signs of Vitamin D deficiency were the same children who gave a history of not liking milk, they most likely were children with active rickets. It is known that children with rickets and undernutrition do not have elevation of serum alkaline phosphatase.[14] Further studies of migrant children should include X-rays and serum calcium and phosphorous determinations. Low BUN levels have been used as an indication of poor nutrition, particularly low protein intake.[13,15] BUN levels were low in 49 of 291 children, but did not correlate statistically with low serum protein values. Low serum protein values were present in 28 children (Table III) and correlated with higher phenylalanine to tyrosine ratios (1.24) than in children with normal serum proteins (0.83, $p < .01$). As suggested previously, the activity of phenylalanine hydroxylase, which converts phenylalanine to tyrosine, may be diminished as a result of undernutrition.[16] Serum amylase levels have also been shown to be low in undernourished children,[13] but were low only in sixteen of 281 children in this study. Serum cholesterol concentrations are also low in undernourished children,[13] and 44 of 288 children were low. Both low cholesterol levels and amylase activity are likely related to decreased liver synthesis and the children with low cholesterol values also had statistically lower protein values. A surprising finding was that the cholesterol levels were above normal in 28 of the 300 children. This may be related to the common use of animal fats in cooking. As it is the current belief that cholesterol deposits start in childhood, it is

possible that this malnutrition might be as dangerous as are some of the deficiencies. Information concerning the mean age and the incidence of coronary artery disease would be of interest in the adult Mexican-American population.

Folliculitis suggestive of trachoma was an unexpected finding in ten percent of these children. The presence of trachoma was verified by Giemsa and fluorescent antibody staining. This is usually not a serious disease in children, although some children did show evidence of secondary infections. Trachoma is a major cause of blindness in underdeveloped countries; one father was seen coincidentially who was apparently losing his vision from complications of trachoma. Four of his five children were also infected.

At present many existing programs are unable to be utilized by the migrant population. Inclusion of the migrant population in the medicare-medicaid hospitalization programs without first meeting each county's welfare certification practices would be of great benefit. Migrants usually do not qualify for food stamps while traveling because of unequal earnings throughout the year; food stamps have not yet been made available in their home counties in Texas during the winter months. Recommendations made at the White House Conference on Nutrition for food stamp certification once yearly and applicable from state to state would be helpful, but this has not been acted upon. Commodity foods have been of little value because of limited items and the factor of pride, with a frequent history given for having been told "you are strong and able to work, so don't come back here again." An additional problem concerning commodity foods is the storage of approximately thirty pounds of food per person (frequently distributed on a monthly basis) in a one or two room dwelling. Lack of room, refrigeration, and protection from rodents and insects would probably interfere with utilization of commodity foods if they were readily available.

A possible solution to the problem of communication between migrants and existing health and welfare facilities is the introduction of migrant health and nutrition aides into the migrant stream. With the alteration of existing program policies to accommodate migrants, and the use of health aides to make the programs known to the people, the health and nutritional status of the

migrants could be greatly improved. Long term objectives of finding suitable jobs and living conditions outside of the migrant stream will be necessary. Adequate nutrition, health care, education, and housing should receive high priority in the present needs of the migrant farm worker and his family.

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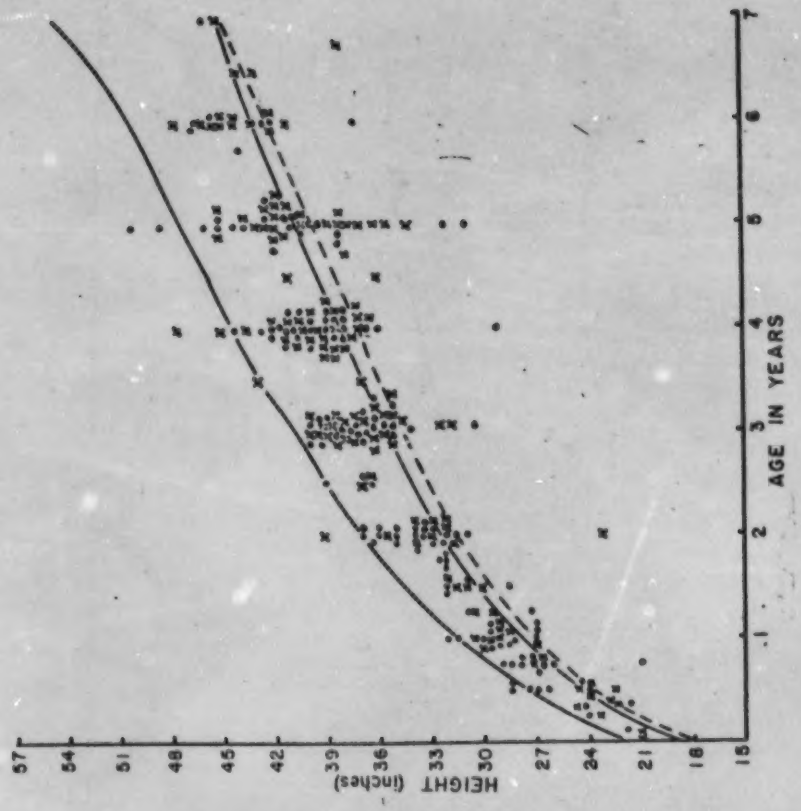
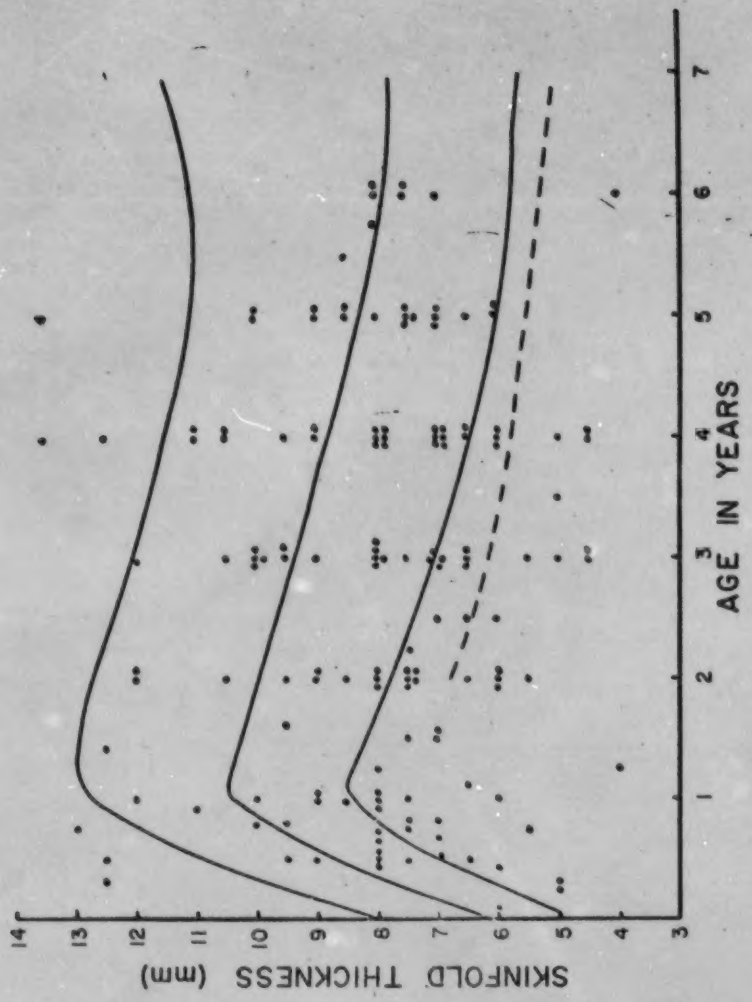
TABLE I

PRIMARY FOODS IN THE COLORADO MIGRANT FARM WORKERS' DIET

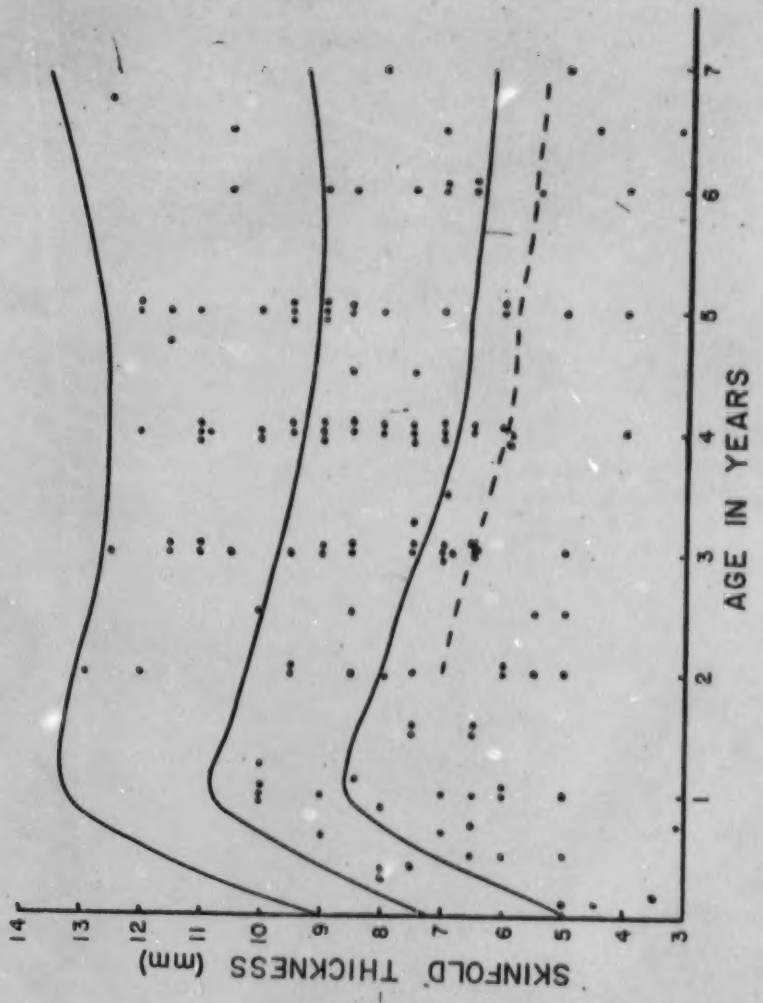
BASIC FOOD ITEMS	ADDITIONAL FOODS	LESSER USED ADDITIONAL FOODS
Potatoes	Chuck roast	Pork roast
Eggs	Ribs	Pork chops
Wheat Flour	Cabbage	Variety meats
Hamburger	Carrots	Cookies
Chicken	Canned corn	Oatmeal
Dry cereal	Banana - In season	Saltine Crackers
Pinto beans	Apples - In season	Bread
Rice	Oranges - In season	Ice cream
Macaroni	Milk	Sugar
Lettuce	Bottled soft drinks	Candy (Hard)
Tomatoes	Canned Chili (no meat)	Potato chips
Lard	Canned spaghetti	Corn Chips
Kool-Aid	Sweet bread (rolls)	Apple juice
	Corn flour	Pineapple juice
		Orange juice



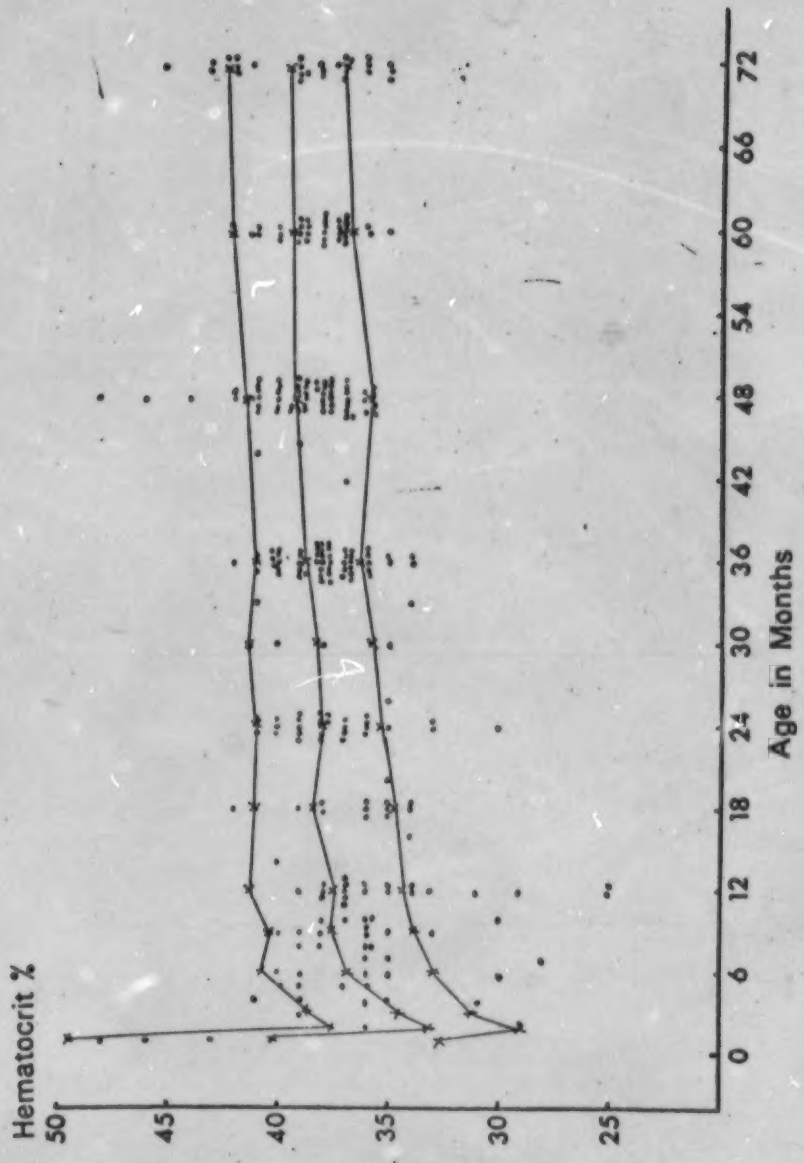
Legend to Figure 1 – Heights of Mexican-American migrant workers' children as measured on the Harvard Growth Grids. The lower solid line represents the third percentile for boys while the broken line represents the lower third percentile for girls. The upper solid line represents the 97th percentile for both boys and girls. Dots represent girls and crosses represent boys. Fifty four of the 300 children were below the third percentile in height for their age.



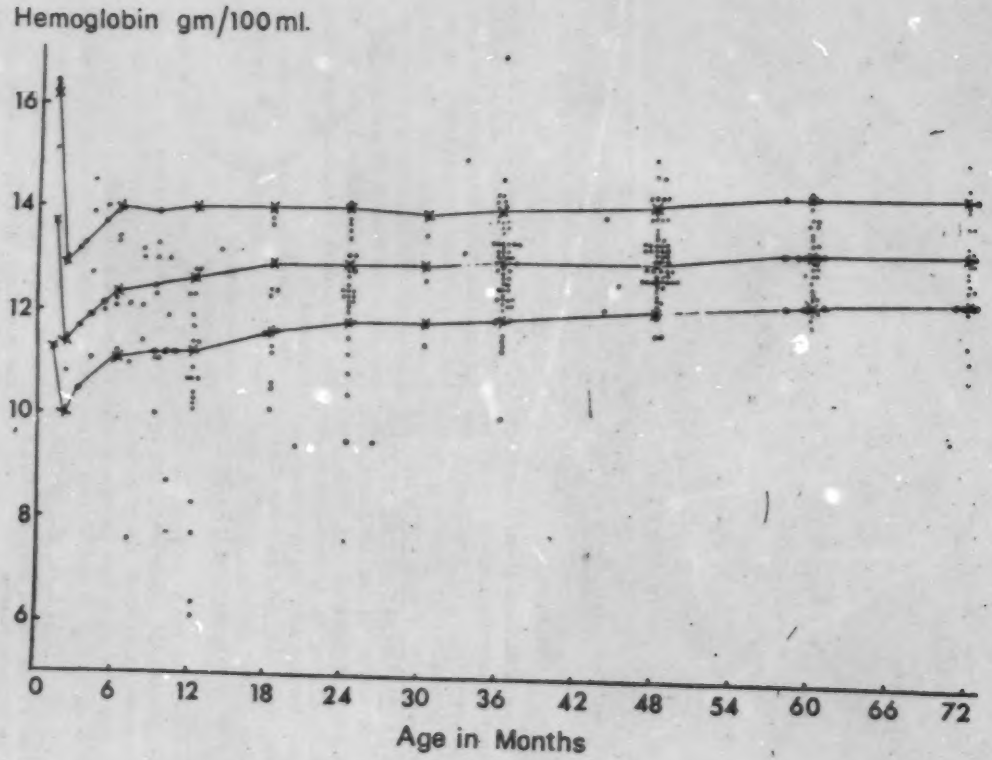
Legend to Figure 2 – Hypertrophic anterior and posterior tongue papillae suggestive of Vitamin A deficiency, as found in 69 of the 300 children studied.



Legend to Figure 3 – Skin fold thicknesses of boys (3A) and girls (3B). The solid lines represent the tenth, fiftieth, and ninetieth percentiles and the broken lines represent the third percentile. Fifty-two of 136 girls and 51 of 149 boys were below the tenth percentile.



Legend to Figure 4 - Hemoglobin and hematocrit values in preschool Mexican-American migrant children. The lines represent the mean, tenth, and ninetiety percentiles for normal Colorado children.


Hemoglobin gm/100 ml.
16
14
12
10
8
6
0
6
12
18
24
30
36
42
48
54
60
66
72
Age in Months

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Special Article

Nutritional Status of California Mexican-Americans

A Review[1]

ROBERT B. BRADFIELD,[2] PH.D., AND THIERRY BRUN,[3] ING.AGRO.

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Eating Patterns Among Migrant Families

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IN THE RICH farming area of Palm Beach County, Fla., near Lake Okeechobee, an estimated 20,000 migratory agricultural laborers harvest winter vegetables from November through May. During the summer months the majority travel up the Atlantic Coast, working on farms as far north as New York State.

The nutritional status of this group is affected by their cultural background, inadequate knowledge of the nutritive value of foods, and economic problems arising from low and irregular income and the pressure of large families. Methods of preparation and preservation of food and the kind of cooking facilities used are influenced by the type of housing available to them. Their choice of foods, methods of preparing meals, and likes and dislikes are similar to those of other Negro groups in southern States (*1*).

The Project

The Palm Beach County Migrant Project was designed to develop public health techniques adaptable to the cultural and social patterns of migrant workers and to demonstrate the effectiveness of a multidisciplinary approach to the health needs of the workers at the Okeechobee migrant labor camp in Belle Glade, Fla.

The project team was composed of two public health nurses, a sanitarian, a health educator, a medical social worker, a nutritionist, a liaison worker, and a secretary. A pediatrician and a general practitioner provided part-time health services.

Plans for a dietary study on a selected group of families were prepared by the project team nutritionist, in collaboration with the director of nutrition services of the Florida State Board of Health and the regional nutrition consultant for the area. The objectives of the study were:

- To obtain information concerning the eating habits, buying practices, food customs and beliefs, nutritional adequacy of the diet, and the general nutritional status of the study group.
- To secure data that would provide a basis for discovering practical and usable educational techniques in nutrition.
- To use certain educational techniques in giving information about nutrition.
- To evaluate the techniques used.

This paper reports on the data obtained on eating habits, buying practices, food preparation, nutritional adequacy of diet, and nutritional status of a selected population in the project area. Subsequent reports will deal with other aspects of the study, including a 3-day dietary study of the children of the selected families.

The Study Population

Most of the workers at the Okeechobee migrant labor camp are American Negroes from Georgia and Alabama. They spend approximately 7 months a year at the camp, living in

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wooden, concrete, or tin houses of from one to three 12- by 16-foot rooms. Their children attend the elementary school at the camp.

Because of limited time and staff, only 35 of the 330 families living at the camp were selected for the study. These families had been in the migrant labor stream for some time, had school-age children, and had attended the well-family clinic at the Belle Glade Health Center.

The objectives of this well-family clinic are to determine the health status of the migrant group and the extent to which they will accept preventive health services. In selecting families to be invited to attend the clinic, the health center endeavors to obtain a cross section of the migrant community. The only specific requirement is that no obvious major health problems exist in the families selected. A fairly complete health history and evaluation of each family participating in the study was available to the migrant project staff.

Forms and Records

A 24-hour recall diet record, a food inventory form, and a general information form were used to obtain information on the nutritional status of the study families. Information for the 24-hour recall record was obtained from the mother or other person responsible for planning and cooking the meals. A set of interview forms was protested with one family to determine whether or not they understood the questions.

Five forms were developed for evaluating the data: record of intake of food groups, to show the average daily and weekly intake of food for each family; calculation of food intake, for analysis of nutrients; cost analysis form, to provide a cost breakdown of the foods purchased; weekly food plan, to show the food needs of both children and adults; and food-pricing record, to show average prices for the area.

Interviewing Procedure

The project nutritionist obtained the assistance of the migrant project nurse responsible for the Okeechobee camp and the migrant project liaison worker in helping to explain the purpose of the study to the families.

Detailed information on foods eaten was obtained through home interviews. All interviewing was done by the nutritionist of the migrant project. Six families were seen each week, starting with three families the first week. Each family was visited three times. Those seen on Monday morning were revisited the middle of the week and again on the following Monday morning. The same procedure was followed with families seen first on Tuesday, Wednesday, Thursday, Friday, and Saturday. Each day a new family was added to the ones visited a second time.

The initial visit was devoted to a brief explanation of the study, establishment of confidence and rapport, starting the general information form, and beginning the food inventory and 24-hour recall record. The general information form was completed during the second and third visits. The inventory was checked at the midweek visit and completed at the last visit.

As a rule, the families were helpful and cooperative. They showed the nutritionist all groceries on the shelves and in the refrigerator or icebox, the dishes, silverware, and cooking utensils.

Except in three families, the mother was the person interviewed. In these families, the older daughters were interviewed because the mothers were working and the daughters were cooking the meals. The 24-hour recall and general information forms were filled out during informal conversations. The interviewer tried not to ask too many questions but rather led the mother or daughter to discuss meals and food preparation themselves.

Cooking Schedules and Foods Eaten

The 24-hour diet recall and general information records showed that most families cooked twice a day when they were all working and three times a day when the mother stayed at home. Usually they carried some of the food from the morning meal to the field and reheated some of it when they came home late in the afternoon. They cooked meats, such as chicken, pork chops, ribs, sausage, or fish, very early in the morning. All cooked grits in the morning and sometimes rice, biscuits, cornbread, and potatoes. Most families had eggs along with the grits, and fried white bacon or sausage.

The following examples give the daily menus for families cooking twice and three times a day:

Cooking Done Twice a Day

Breakfast (6:00 a.m.): Fried chicken, rice, gravy, biscuits, sausage, and grits.

Lunch (11:30 a.m.):

Adults (in the field): Cookies or sandwich and soft drink.

Children (at home): Spaghetti, 1 can for 4 children; milk, ½ pint per child.

Dinner (7:00 p.m.): Black-eyed peas with white bacon, rice with neckbones, and white bread.

Cooking Done Three Times a Day

Breakfast (6:00 a.m.): Grits, eggs, white bacon, toast, and butter.

Lunch (11:30 a.m.): Stew meat, rice, snap beans, white potatoes, light bread, and cola drink.

Dinner (7:00 p.m.): Spareribs, macaroni and cheese, light bread, and chocolate milk.

Women who were heads of households said they cooked a large breakfast so that they could stay longer in the field without eating too much lunch. Sometimes they bought fish sandwiches, hot dogs, cookies, peanut and chocolate candy, and soft drinks at the field, and some carried cooked food to eat there. For small children remaining at home or attending school, the mothers left canned foods, such as pork and beans or spaghetti, and bread, cold cuts, peanut butter, mayonnaise, and jelly for preparing sandwiches. Sometimes the children heated some of the food cooked in the morning and ate it at lunchtime.

For the evening meal most families ate cornbread, black-eyed peas with bacon or pigs' feet, and vegetables such as peas, cabbage, and corn. Beverages prepared from commercial powders, iced tea, and small amounts of milk were served at this meal. Neckbones and pigs' feet, ears, and tails were eaten almost every day.

Canned tomatoes, peas, and corn were used to some extent. The most common fresh vegetables were green beans and cabbage. Turnip greens and collards were grown in small gardens around some of the houses. Canned foods such as spaghetti, pork and beans, beef stew, and chicken were popular. Spiced ham, peanut butter, mayonnaise, and jelly sandwiches were consumed mostly at lunchtime. Crackers, sweet cookies, sweet rolls, and soft drinks were also used to a large extent for lunch and between meals. Rice and white bread were used extensively.

The fresh fruits most commonly seen were bananas, grapes, and apples. Canned peaches were well liked; dried prunes were seen on rare occasions. Citrus fruits were used whenever economic conditions would permit. Some families used canned grapefruit and orange juice, and some bought tangerines, oranges, and grapefruit when they were in season and prices went down. Citrus fruit is not grown plentifully in this section and is often available only in stores.

Very little milk was purchased. Fresh homogenized milk was consumed in small quantities, and some buttermilk was used. Dry skim milk was used by families who had been taught its value. Evaporated milk was used mostly for infant formulas. Cheddar cheese was eaten in small amounts.

Dried lima beans and black-eyed peas were the most common legumes eaten. Red kidney beans, pinto beans, and great northern beans were used less commonly and only by a few families. Grits were the favorite cereal and were eaten daily, often two or three times a day. Next in order of consumption were rice, oatmeal, and dry cereals, such as cornflakes. Dry cereal might be eaten in the morning or between meals.

Sliced white bread was popular and, because of lack of time for baking, other ready-prepared breads were widely used. Cornmeal and self-rising flour were used in preparing breads at home. Occasionally the diet included biscuits and commercial or homemade cakes and pies.

Margarine, butter, lard, vegetable shortening, oil, and mayonnaise were used for frying and for preparing various dishes. Jellies, preserves, and marmalades and sugar, sirup, candies, and soft drinks were almost always included in the weekly grocery lists. Coffee, tea, and cocoa were sometimes used, but powdered and soft drinks were preferred.

Buying Practices and Food Preparation

The majority of the families shopped for groceries on Saturday. A few mentioned Friday and Sunday as days to shop. The mothers

and older daughters usually bought the groceries, but sometimes the husbands and older sons did the shopping. Many families traded in chainstores when money was available. When money was scarce, they traded in small stores at the housing camps or at farms on credit. The families with refrigeration shopped weekly; the one without refrigeration shopped daily. A few vegetables, such as beans, cabbage, celery, and corn, were obtained free from farms or from small gardens close to home.

The women usually did the cooking, although on rare occasions their husbands helped. Frying and barbecuing were the most common methods of cooking meats and fowl. Vegetables and legumes, such as dried lima beans and black-eyed peas, were cooked in water with ham hocks, white bacon, pigs' feet, ears, tails, or neckbones for added flavor. Neckbones were a preferred food. Cornbread and hoecake made from self-rising flour were cooked almost daily in skillets on top of the stove. Biscuits were baked in small portable ovens on top of the stove. Cakes and pies were baked on Saturdays and Sundays.

Association with other cultural groups—Jamaicans, Bahamians, Cubans, and Puerto Ricans—has brought new ideas in food preparation to these families, and some of them had learned to prepare new dishes from these other groups.

Kitchen Equipment

Thirty-four families had some kind of refrigeration: 29 owned electric refrigerators that they themselves had purchased; 5 had iceboxes provided by the housing project. Twenty-four families had bottled-gas stoves with ovens, and 11 had 3- or 4-burner kerosene stoves, 3 of them equipped with small portable tin ovens.

All the families owned dishes, glasses, cups, silverware, cooking spoons, eggbeaters, percolators, dishpans, buckets, and can openers. Drawings of serving spoons and plates were made by the interviewer to get an idea of the size of food portions consumed by various members of the family. Servings varied in size. Plates and serving spoons of various sizes were used. Some families used a large cooking spoon for serving food, while others used a tablespoon.

None of the homes had running water inside the house. Water for drinking, cooking, dishwashing, and other household purposes was obtained from faucets outside the house and was carried in by male members of the family. The water was kept in buckets, frequently with a dipper inside which was used as a drinking cup by all members of the family.

Evaluation of Diets

The family diets were analyzed on the basis of food values given in the food composition tables of the U.S. Department of Agriculture

Table 1. Percentage of families meeting National Research Council nutrient allowances

Nutrient	Fraction of allowances met				
	Total	⅔	⅓–⅔	Below ⅓	None
Calories	20	40	34	6	0
Protein	37	11	48	4	0
Calcium	14	8	52	26	0
Iron	34	23	26	17	0
Vitamin A	32	0	26	42	0
Thiamine	42	20	23	6	0
Vitamin C	3	11	17	66	3
Riboflavin	20	20	34	26	0

Table 2. Percentage of families meeting U.S. Department of Agricultural Allowances, by food groups

Food group	Fraction of allowances met				
	Total	⅔	⅓–⅔	Below ⅓	None
Milk	0	0	3	97	0
Green and yellow vegetables	0	0	0	37	63
Citrus fruits and tomatoes	2	8	8	48	34
Potatoes and sweet potatoes	5	5	8	14	68
Other fruits and vegetables	2	12	6	60	20
Meats, poultry, fish	43	38	8	11	0
Dry beans	94	2	2	0	2
Eggs	8	2	14	74	2
Flour and cereals	80	15	0	5	0
Fats and oils	88	8	2	2	0
Sugar and preserves	66	23	5	3	3

(2) and "Food Values of Portions Commonly Used" (3). In a large percentage of the study group, consumption of certain nutrients was below half the amounts recommended by the Food and Nutrition Board of the National Research Council (4). Among these were vitamin C, in 69 percent of the families; vitamin A, in 42 percent; and riboflavin and calcium, in 26 percent. In only 6 percent, however, did the protein and calorie consumption fall below half the recommended allowance (table 1).

In evaluating the diet (5), it was found that 22 families (63 percent) ate no green or yellow vegetables, and 13 families (37 percent) ate less than half the recommended allowance. Seventeen families (48 percent) fell below half the recommended allowance in consumption of citrus fruits and tomatoes, and 12 families (34 percent) ate nothing from this food group. Thirty-four families (97 percent) fell below half the recommended allowance for milk and milk products (table 2).

Food Costs

A price record was kept of foods bought from a large store and from a small store patronized by the study families. Prices were collected in the two stores during the period February–April 1939. An average cost was computed and a cost analysis of the diets was made (table 3). From $18 to $22 per week, about half their weekly earnings, was spent for food by the 18 families which had from 7 to 9 members each. According to Department of Agriculture standards, from $35 to $47 would be required to feed families of this size a low-cost adequate diet. However, this would mean that all food would be purchased, whereas some of the food eaten by the study families was obtained without cost, for example, food which was brought home from the fields.

Medical and Dental Findings

No physical examinations were made as part of the nutrition study, but reports of examinations made in the health department clinics showed an apparent relationship between the dietary and medical findings. Families with lower intakes of necessary nutrients had diagnoses of rickets, marasmus, kwashiorkor, obesity, emaciation, nutritional anemia, and malnutrition, as compared with persons in the remainder of the group. Many of the children in the families with lower intakes of nutrients were pale and underweight, and eight adults were markedly obese. Two women gave a history of miscarriages.

A detailed dental study of both adults and children by the bureau of dental health, Florida State Board of Health, revealed that 84 percent of the persons examined had dental caries, and 35 percent had lost permanent teeth.

The dental study also showed 40 persons with dry and cracked lips, 14 with spongy gums, 27 with gums that bled easily, 21 with slight gingivitis, and 16 with signs of severe gingi-

Table 3. Summary of information on 35 migrant families,[1] Okeechobee migrant labor camp, Belle Glade, Fla.

Number of families	Members per family	Age range of children	Number rooms in home	Average weekly earnings	Average weekly expenditure for food
2	12	2 yrs.–20 yrs.	2	$40	$32
2	11	6 mos.–18 yrs.	2	40	20
4	10	5 mos.–18 yrs.	2	40	33
5	9	2 yrs.–14 yrs.	2	47	23
6	8	1 yr.–20 yrs.	2	43	19
5	7	1 yr.–13 yrs.	1	36	18
2	6	3 yrs.–22 yrs.	1	76	18
5	5	1 yr.–13 yrs.	1	44	15
1	4	10 yrs.–12 yrs.	1	30	10
1	3	11 yrs.	1	54	17

[1] Both husbands and wives work in the fields, the men sometimes engage in construction work. The wages vary at certain times.

vitis. These findings indicate a definite relationship between dental caries and problems of the gums and lips and a low intake of protective foods.

As stated in the clinic records and by the mothers at the time of interview, most of the babies and children had been taking vitamin preparations on prescription from an early age.

Comments

Although the study group was composed of only 35 of 350 families in a Negro population with migratory characteristics, in all probability their eating habits and nutritional problems are similar to those of cultural groups of the same racial characteristics and economic and social conditions living in camps in other areas. The families studied may be somewhat above the average since they were selected from among the apparently well families included in the family clinics. They had been exposed to education as to dietary and other measures they might take to keep well, and were "educable," as indicated by their acceptance of clinic care.

The most common diet deficiencies revealed by the study were low intakes of milk, green and yellow vegetables, citrus and other fruits, eggs, and white and sweet potatoes. Legumes and meats were eaten in fair quantities; sweets, fats, and flour consumed were above the recommended amounts in some cases.

Fish were well liked and were a good source of protein, and they could be had at no cost to families who enjoyed fishing. Pork chops, ham, and steak were eaten when money to buy them was available. Pointing out differences between prices of these and other items could be helpful in teaching the group to use the more expensive foods in lesser amounts, and to purchase cheaper sources of protein. This would leave money for such foods as citrus and other fruits, green and yellow vegetables, including sweet potatoes, and milk, which were consumed in amounts below recommended allowances.

Since buttermilk was well liked, the use of dry skim milk to prepare it could be stressed. The possibilities of using dry milk powder with other familiar foods, such as adding it to cornmeal for making cornbread, to hamburger meat, and to chocolate powder or juices that are liked by the children should also be encouraged.

The high consumption of fats, sweets, flour, and soft drinks could be responsible in part for the obesity of some adults in the study group.

The need for education concerning nutrition and basic health is evident. However, consideration should also be given to housing, cooking equipment, hours of work in the field, time spent at home, number of children in the family, earning capacities, rental expenses, utilities, and transportation facilities, which directly affect an education program in health and nutrition. The amount of money available for food indicates that very careful planning and budgeting are necessary if migratory families are to have adequate diets. Since none of them showed evidence of planning ahead, it will take persistent efforts over a period of time to bring about changes in their buying habits.

These families need basic information on all aspects of nutrition and food preparation, and this can only be achieved by a well-rounded, integrated program, with all agencies, both official and voluntary, which deal with these families working toward improvement of their health, educational, and social conditions. These agencies would include the health department, the schools, the agricultural extension service, and the welfare department.

Summary

A study of the diet patterns of a group of Negro migrant families living in a labor camp in Belle Glade, Fla., revealed a lack of certain groups of protective foods. It also pointed up the need for better use of the foods available and for a wiser selection of foods purchased in relation to the amount of money spent.

The most significant findings of the study were the following:

1. Low consumption of milk and milk products. However, due to the extensive use of self-rising flour, the calcium content of the diets was higher than expected. Riboflavin content of the diets was low.

2. Low consumption of green and yellow vegetables and low vitamin A content of the diets.

3. Low consumption of citrus and other fruits and low vitamin C content of the diets.

4. Greater consumption of proteins than of the above-mentioned groups of foods. However, the amounts of animal protein eaten by the larger families were too small to meet the dietary requirements for the family as a whole. Legumes were consumed in amounts above those recommended by the Food and Nutrition Board of the National Research Council. This raised the iron content of the diets.

5. Consumption of starches, fats, and sweets in excess of the recommended amounts. However, the calorie allowance in the diets of 80 percent of the families is low.

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(3) Bowes, A. D., and Church, C. F.: Food values of portions commonly used. Ed. 8. Philadelphia, College Offset Press, January 1956.

(4) National Academy of Sciences-National Research Council: Recommended dietary allowance. NAS-NRC Pub. No. 589 (Revised). Washington D.C., U.S. Government Printing Office, 1958.

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Training Courses

Dental Education. A short course for clinical dentists employed in public health agencies will be offered at the University of North Carolina School of Public Health from July 24 to August 4, 1961. Additional details may be obtained from Charles M. Cameron, Jr., M.D., University of North Carolina, Chapel Hill.

Medical Care Administration. The University of Michigan School of Public Health is conducting a training institute on Administration of Medical Care for the Needy from July 10 to July 21, 1961. Collaborating in this institute are the School of Social Work of the University of Michigan, the American Public Welfare Association, the American Public Health Association, the Bureau of Public Assistance of the Social Security Administration, and the Public Health Service.

The institute is designed for State and local public welfare and public health personnel with administrative responsibility for the needy. Together they will study the planning, administration, and evaluation of these programs; discuss the relationships of these programs to community health services and medical care programs for the entire population; explore ways by which health and welfare departments may work together; and consider new approaches to the provision of medical care.

Additional information may be obtained from S. J. Axelrod, M.D., University of Michigan School of Public Health, Ann Arbor.

Hospital Administration. The Sloan Institute of Hospital Administration at Cornell University will hold its fourth annual Hospital Administrators Development Program from June 25 to July 21, 1961.

The 4-week program will consist of an intensive course of lectures, readings, and discussions divided into three seminars dealing with medical care, the administrative process, and trends in hospital administration.

Participation will be limited to about 25 persons selected from among the applicants. Total cost to participants will be $100, including tuition, supplies, room, and most of the meals. Additional details may be obtained from Prof. Frederic C. LeRocker, director, Sloan Institute of Hospital Administration, Cornell University, Ithaca, N.Y.

Water Pollution Conference. Public health hazards of microbial pollution of water will be the subject of the Rudolphs Research Conference at Rutgers University, June 19–21, 1961. Three sections of the conference will deal with the public health problem, indicator organisms and their significance, and disinfection—theory, objectives, and accomplishments. For further information communicate with Dr. H. Heukelekian, Chairman, Department of Sanitation, Rutgers University, New Brunswick, N.J.

Responsibilities of a Nutritionist in the Migrant Day Care Programs

1. Serves nutritionally adequate and palatable food under the strictest standards of sanitation and within the budget allotted.

2. Developes policies and procedures relative to food and nutrition services in the centers and to purchase of food, equipment, and services, personnel and salary ranges, catering and other activities of concern to the centers.

3. Plans menus to meet the nutritional standards set for each age group in the center; standardizes recipes for use on the menu and to allow cost control; and supervises production of menus at the centers.

4. Establishes standards to be maintained in food production, food service, sanitation and safety, and insures that local sanitary and restaurant codes are adhered to.

5. Plans floor and equipment needs, layout, and utilization of equipment at each center.

6. Estimates numbers of persons to be served, than determines quantities of food needed to purchase and prepare, ordering and delivery schedules, and bidding procedures.

7. Prepares a budget which itemizes all costs: equipment, physical plant, labor, food, non-food supplies, operation & maintance, inventory, procurement and transport, and storage.

8. Prepares an annual budget reporting costs of operation and stating needs for the following year - this should include costs per meal; cost per child age 2-5 yrs; cost per child age 0-2 yrs; cost per adult.

9. Establishes staffing patterns and plans for changes based on predicted trends and changes in services.

10. Identifies activities and tasks required to produce food, divides them into positions; selects personnel to meet the table of organization - without duplication of responsibility or overstaffing.

11. Establishes job descriptions (assigned responsibilities & authority) and work schedules for each staff position and routinely evaluates each position.

12. Trains, supervises, directs, motivates, and disciplines all staff, establishing effective communication with them.

13. Periodically evaluates self, staff, and the progress of center kitchen and nutrition services in a constant attempt to improve.

14. Makes specific dietary adjustments in the meal plans for children with special dietary needs.

15. Collects periodic data on the dietary intakes of children in the centers and summarizes this information with data from the health evaluations to determine the nutritional status of the children and to note progress resulting from nutritional services at the center.

16. Supervises nutritional aspects of care of infants and preschoolers.

17. Provides continuous in-service education to infant and preschool center staff, including assisting teaching staff with planning and implementation of nutrition education experiences for the children.

18. Provides nutrition education opportunities for families residing in the camps with emphasis on normal nutrition, food economics, and storage and preparation difficulties encountered in migrant living.

19. Coordinates nutritional activities with overall educational goals and activities planned by Regional and State Educational staffs.

20. Reports routinely in writing and in conference to the Interagency Council on present situations in the centers, pertinent observations, future plans, and cost efficiency of operation.

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NUTRITION EVALUATION

Migrant Infant Day Care
1971

(Note: Comments apply also to Preschool Program as food service is shared)

Limited progress has been made during the 1971 year in food and nutrition services in the Migrant Education programs. Ability to progress continues to be severely hampered by lack of qualified personnel to administer the food services program and lack of qualified nutrition education input for teachers, cooks, parents and children.

Nutritional adequacy of the meals served varied greatly between centers and within a center from one day to the next. In an attempt to offer consistent and uniform nutrient intakes to the children in Region II and to control costs and ordering and delivery scheduling, a cycle menu was prepared and approved by both the State Department of Public Health and the Bureau of Food Services, State Department of Education.

Unfortunately, menus were not adhered to and substitutions made were not always equivalent in nutrient content. Adaptations made for infants frequently did not meet the infants needs for foods appropriate to their developmental ability or nutritional needs. Cultural foods were infrequently included.

In Region III head teachers wrote weekly menus. As nutrition and food service knowledge of teachers is limited, if not non-existent, menus were often inadequate as written and also suffered from substitutions as in Region II.

The qualifications and skills of the cooks varied. Several had both training and experience in School Lunch Programs; most had little or no training or experience other than cooking for their own families, which contributes little to quantity cookery knowledge and management skills.

The staff were, however, all willing and anxious to learn and improve and would have benefited from planned and continuous inservice education under the supervision of a qualified nutritionist or dietitian. Cooks and teachers expressed a need for cook's inservice education including menu planning, operation and maintenance of institutional equipment, quantity food preparation techniques, food purchasing, and time management and production scheduling.

Staffing patterns at the centers were irregular and not related to the number of meals served, the type of menu, nor the limitations of the facilities. The approximate ratios of meals served per cook were as follows: Gridley 33 meals/cook; Dixon 40 meals/cook; and Harney Lane 47 meals/cook. Insufficient staffing can lead to poor quality service while overstaffing is a waste of labor cost. These inconsistencies in staffing reflect lack of administrative ability to determine staffing needs.

Facilities were also inconsistent between centers and, with the exception of Gridley, grossly inadequate for the number of meals served. Equipment was

poorly layed out leading to work flow inefficiencies; there was inadequate storage space for dry foods (at Harney Lane they are stored in the head teacher's office); refrigeration space was also limited. None of the centers had dishwashers. Only Gridley had a commercial size mixer.

None of the kitchen facilities were inspected or approved by a sanitarian. It is my opinion that only Gridley would have passed such an inspection as the other centers had minimal facilities and as many of the cooks lacked knowledge of sanitary procedures in institutional settings.

It is impossible to determine the costs of the food service operations under current bookkeeping and inventory methods. Records of expenditurec are obscure, inaccurate, and contradictory. There is no accurate information on costs of operation per child per day by age; costs per Region; costs per adult (staff vs visitors); percentage of costs as raw food vs percentage as labor; percentage of raw food costs as protein, vegetables, fruits, etc.; costs of non-food items such as paper goods, janitorial supplies, gas and electricity. Without this information, it is not possible to make effective management decisions.

It is known that food budgets were being used to purchase items for use in the day care program such as pencils, pampers, construction paper, etc. These are not food costs but were charged to the food budget.

Numerous procedural decisions were made without adequate knowledge of alternative methods of meeting nutrition or food service needs and without consideration of the affects on costs. For example, in both Regions II and III many foods were purchased from local grocers at retail prices and were picked up daily by either the cook or the head teacher. This was a wasteful and inappropriate use of personnel and an expensive method of food purchase, which reflects lack of qualified personnel in decision-making positions.

Reimbursements for food service were not consistent between Regions. While Region III received only Migrant Education funds for food service, Region II received 49¢/child/day reimbursement in federal funds through the Bureau of Food Services, State Department of Education (30¢ National School Lunch Program, 15¢ Federal Breakfast Program, 20¢ Snack Program). This could be construed as a form of discrimination which offered Region III less financial opportunity to meet the nutritional needs of children in its centers.

Region II complained that federal commodity foods did not arrive when needed for food services. For the most part, this was due to lack of planning based on quantity recipe needs, number of persons to be fed, and delivery schedule, and was not due to any inefficiencies on the part of the State Surplus Office. In addition, full use was not made of commodities due to lack of standardized quantity recipes (these were available but cooks had not been trained to use them) and lack of adequate equipment for preparation (especially mixers and oven space).

Various persons presented short (e.g. 1-2 hours) presentations on nutrition for cooks, parents and teaching staff (nutritionists from the State Department of Public Health and the Bureau of Food Services, State Department of Education, and home economists from Agriculture Extension). These presentations were of questionable value as there was no overall plan to meet specific nutrition education needs in the center, no consistency between person providing input,

no continuity in content and inappropriate use of persons providing input. For example, a home economist (who is not trained in quantity foods) taught a class for the cooks in food preparation; a school lunch nutritionist (who is skilled in this area) was instead asked to do parent education, and a translator (with no background in nutrition) was paid $50 to do a short course in nutrition for parents. Critical needs for nutrition and food service education for teaching staff, cooks, parents and children were not met nor did the above tokenism contribute to improvement in this area.

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Recommendations

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Under authorization of the Lewis Bill health care and nutritional standards will be set by the State Department of Public Health and it must be the responsibility of the Regional Director to see that these standards are met.

A specific budget must be designated for food and nutrition services.

Audrey T. Cross, M.P.H.
Nutrition Consultant
Bureau of Maternal and Child Health
State Department of Public Health
12/29/71

SUGGESTED SERVICES TO BE DEVELOPED FOR DAY-CARE HEALTH PROGRAM

A. Screening and Health Evaluations

1. History (American Academy Form filled out in detail)

   a. (probably the most important part of evaluation)

   b. person (other than physician) taking history must be properly trained in this activity

   c. method of acquiring old medical records must be developed

   d. review of all histories by physician or nurse

      1) for picking out possible diagnosis and making referral for examination by physician or dentist

      2) for missing data

   e. two copies:

      1) one in school's office

      2) one with child that is up-to-date

2. Release forms from parents attached to medical record and kept with child for permission to:
   to

   a. transport child/medical facility of teacher's choice and to permit physician of her choice to treat the child in case of emergency where parent cannot be reached.

   b. give immunization, medication, etc., by teacher, PHN, etc., in school. Medication may be given only on prescription by physician and signed release of parents.

   c. obtain release for child's old medical records to add to child's record.

   d. other release forms as developed with legal advisor to the school.

3. Physical evaluation

   a. Visual examination

      1) infants:

         a) teacher observation, valuable but needs training

b) tracking spot of light at 20" or observed problems by teachers or nurse

c) consultation with ophthalmologists when warranted

2) older children:

use Snellen charts, cover test (as used in school program)

b. Hearing - needs special training and equipment and standards

1) consultation with otologist or audiologist when hearing loss indicated through teacher or parent observations

2) little value under 1 year except teacher observation

3) older children (over 3) regular audiometric tests

c. PhonoCardioScan for heart murmurs

d. Height and Weight. Head and chest measurements. Record on Iowa chart or similar form

e. Dental evaluation by dentist and/or dental hygienist. Referral of children needing care to dentist.

f. Tuberculin testing. By "Tyne" method yearly or every six months where history of the family is obtained. Arrangements for reading test at 24-48 hours, repeat tests where positive or questionable and follow-up x-rays must be made.

g. Urine screening with test strip for albumin, occult blood, Ph, sugar acetone and phenylketonuria.

h. Estimation of hemoglobin level by hematocrit or hemoglobin determination.

i. Developmental testing by Denver, Developmental, Caldwell, or some similar test.

4. Review of history and physical evaluation by the nurse director and by contract pediatricians for:

a. recording of abnormal findings

b. examination of children with questionable medical problems as derived from the history and physical evaluations

c. decision on referral deposition from sources available

d. arranging with referral nurse or clerk for carrying out the referral and recording the result for final evaluation

B. Procedures and Policies for Episodic Illness and/or Emergencies

1. Training of staff in:

   a. use of standing orders

   b. responsibilities for handling emergencies

   c. resources available for outside emergency care

   d. evaluation of emergency and non-emergency conditions

   e. first aid (Red Cross training required for all teachers in center)

2. Establish outside referral sources for medical care within the realistic framework of the parent's resources.

3. Obtaining emergency procedure forms on each infant or child registered in the program (i.e. parent release forms).

C. Procedures and Policies for Staff in Handling Minor Health Problems

1. These will be readily available in written form to each of the teachers.

2. The supplies needed to carry out these standing orders must be both available in the center and kept current.

3. Illness

   Staff must be trained to handle simple illness and evaluate the need for further medical help.

4. Injuries or accidents

   Staff should be trained by the American Red Cross to handle such emergencies and the Red Cross handbook available in each classroom

5. Contagious disease

   a. The California State Department of Public Health Manual for the Control of Communicable Diseases (1966) will act as guide

   b. consultation with staff PHN or MD

6. When situation calls for outside help:

   a. arrangements for transportation

   b. source of referral

   c. teacher or aide to accompany child

   d. notification of parent if possible

   e. arrangements for follow-up care

   f. return of clinical data to school for records

D. Nutritional Component

Develop nutritional standards for food service and education of the children and their parents in proper nutrition.

E. Policies for Assuring Health of Staff

For infant and preschool programs:

1. Physical examination by physician consisting of:

   a. TB clearance

   b. VD clearance

   c. staff examination for parasites and pathological bacteria (specimens can be obtained in the center and sent to the State Laboratory)

   d. careful clearance for skin disease including:

      1) impetigo

      2) skin infestations (i.e. scabies)

3) ringworm

4) monolia and other fungal

2. Emotional and mental health should be taken into consideration. If their emotional behavior was found to be detrimental to the children they should be released from their child-care responsibilities.

3. Some arrangements should be made for a medical evaluation of the staff if needed for episodic illness or accidents, as they relate to the children (i.e., their ability to come to work).

MATERNAL NUTRITION EDUCATION PROJECT

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March 30, 1971

PREGNANCY OUTCOME EXPERIENCE IN CALIFORNIA
1965-1967

Approximately ten percent of all United States births occur in California. In 1967, 3,521,000 live births were registered in the United States[3] and of these, 336,584 occurred in California. Crude birth rate experience in California is similar to that in the nation as a whole: 17.3 per 1,000 population in California, compared to 17.8 per 1,000 population in the United States, 1967.[4] Though the California crude birth rate decreased in the 1960's (1961: 23.3 to 1967: 17.3), it is again on the increase with an estimated rate of 18 predicted for 1970, representing a predicted total of 361,000 live births.

Maternal mortality experience in California is also similar to that of the general United States. In 1967, 95 maternal deaths related to pregnancy were reported in California, representing a maternal mortality ratio of 28 per 100,000 live births. The United States also experienced a rate of 28.[5] Rates for non-whites are considerably higher than those for whites in California. The non-white maternal mortality rate in 1967 was 51 per 100,000 live births compared to a rate of 26 per 100,000 live births for whites.

Studies by maternal mortality committees indicated that at least half of these deaths are preventable.[6] A study of principle causes of maternal mortality in California between 1957 and 1962[7] showed that from 551 deaths, 247 were from obstetrical causes excluding abortion and included the following diagnosis:

15.8%	deaths from hemorrhage
14.2%	deaths from toxemias
11.3%	ectopic pregnancy
10.1%	other complications during pregnancy
10.1%	trauma of delivery
11.7%	other complications of delivery
5.7%	other complications of the purperium

One in five (48 of 247 deaths) who died of other obstetrical causes (e.g. other than abortion) had no record of prenatal care. Of 181 women with at least one previous pregnancy for whom the investigator could obtain information, 57.7% (104) had a history of one or more previous complicated pregnancies. Only two-thirds of the deliveries were live (139/214), and of these live births, 12.2% of the infants weighed 2500 gms or less.

A major shortcoming of a study such as the above, is that environmental factors, which may play the most significant role in the overall quality of the pregnancy outcome, and which contribute to the existing conditions at death (e.g. toxemia), are not easily measured. For example, environmental factors thought to result in the higher mortality rates in non-white mothers include lack of an adequately trained attendant at delivery, lack of antepartum care, dietary deficiencies, poor hygiene, and ignorance about health matters.[6] To this list could also be added poor housing, low incomes, a history of poor nutrition and health, and the psycho-socio-emotional milieu of poverty.

The long term effects of pregnancy complications on women who survive have not been assessed, either nationally or in California. Varicose veins, chronic problems of the genitourinary tract, and pelvic relaxation are common complications of pregnancy.[8] Short-interval pregnancies are thought to deplete malnourished mothers of calcium and iron stores and may contribute to the development of iron deficiency anemia. Anemias and other consequences of undernutrition act with infections and chronic illness to increase the risks associated with pregnancy.[9] The Academy report also suggests that the mental health of mothers may be altered by pregnancy and that more attention in this area is needed.

Perinatal mortality experience in California in 1967 was slightly better than that of the nation. The infant death rate in California was 19.6 compared to 22.1 per 1,000 live births for the nation.[10]

Infant Mortality Rate, 1967

	Infant	Neonatal	1-11 months
California	19.6	14.3	5.0
United States	22.1	16.3	5.8

In a study of the principle causes of infant deaths in California, 1965 - 1967,[11] prematurity (unqualified or with subsidiary conditions) accounted for 13.9% of all infant deaths, and for 18.3% of all neonatal (birth to 28 days) deaths. Poor maternal nutrition during pregnancy has been implicated as a contributing factor in prematurity, along with toxemias of pregnancy, multiple pregnancy, and prolonged pregnancy.[12]

A major contributing factor to prematurity and perinatal mortality is age and parity of the mother. A 1965 study of perinatal mortality in California[13] reported a rate of 24.1/1,000 Live births for mothers under 20 years of age, and a rate of 57.4/1,000 live births for mothers 35 years of age and over. Mothers under 17 years of age make the predominant contribution to prematurity rates, with young mothers with high parity having the highest rates.[14, 15, 16]

Perinatal mortality experience in California is also related to socio-economic status. A study of mortality experience by occupation of the father[13] revealed that agricultural workers had consistently higher rates than did other occupational groups when compared for both age of the mother and parity. Agricultural workers, who represent 190,000 of California's population, are among the lowest paid workers in the state.[17]

Prematurity experience is related also to race. When compared by dates (less than 37 weeks gestation), Negroes and Indians in California have prematurity rates of 13.7% and 10.4% respectively, compared to 7.5% for whites. As with agricultural workers, Negroes and Indians are generally employed in low

paying jobs, live in poor housing, have poor access to medical care, and represent high risks nutritionally. These are the persons for whom sound nutritional counseling during pregnancy is critically important.

Summaries of initial diet histories done on medically indigent prenatal patients seen in Maternal and Infant Care Projects (M&I C) in California report intakes below two-thirds of the 1968 Recommended Dietary Allowances (RDA) for the following nutrients:

Percentage of Patients with Less Than Two-Thirds R.D.A.[18] 1968-1969

	Calories	Protein	Calcium	Vitamin A	Vitamin C	Iron	Hgb below 12.0 mg %
San Francisco*	-	21%	45%	21%	40%	26%	57%
Berkeley*		30%	68%	75%	76%	-	-
Los Angeles*	-	79%	95%	97%	75%	-	55%

1,650 patients are seen annually in maternal and infant care clinics, representing less than 0.5% of all California pregnancies, and therefore only a small percentage of pregnancies occurring in the medically, economically and nutritionally high-risk groups.

*San Francisco - April 1, 1968 - March 31, 1969
Los Angeles - July 1, 1968 - June 31, 1969
Berkeley - July 1, 1967 - December 31, 1967

WILSON RILES
Superintendent of Public Instruction
and Director of Education

STATE OF CALIFORNIA
DEPARTMENT OF EDUCATION
STATE EDUCATION BUILDING, 721 CAPITOL MALL, SACRAMENTO 95814

Bureau of Food Services
(916) 445-0850

November 19, 1971

Bulletin SL 3-72

Wilson Riles
Superintendent of Public Instruction

TO : Public School Districts and Nonprofit Private Schools; County Superintendents of Schools; Diocesan Superintendents of Schools

SUBJECT :
I. COMPETITIVE SCHOOL FOOD SALES
II. REIMBURSEMENT FOR TYPE A LUNCHES
III. PRE-SCHOOL AND CHILD CARE ELIGIBILITY AND FUNDING
IV. NEW U. S. DEPARTMENT OF AGRICULTURE RECIPE CARD FILES
V. MISCELLANEOUS

I. COMPETITIVE SCHOOL FOOD SALES

The State Board of Education has scheduled a public hearing regarding its policy relating to competitive school food sales. The hearing will be held in the auditorium of the Junipero Serra Building, 107 South Broadway, Los Angeles at 10:00 a.m. on December 9.

II. REIMBURSEMENT FOR TYPE A LUNCHES

New U. S. Department of Agriculture regulations provide for 6¢ reimbursement for all Type A lunch programs and up to 40¢ reimbursement for free and reduced price lunches served to needy pupils. These increased rates are retroactive to July 1, 1971. At this time, however, reimbursement procedures have not been finalized. Therefore November claims for reimbursement should be submitted in the usual manner. All districts will be notified regarding the new reimbursement procedures as soon as possible.

III. PRE-SCHOOL AND CHILD CARE ELIGIBILITY AND FUNDING

A chart indicating eligibility and funding of pre-school and child care programs under the various child nutrition programs is attached as Exhibit A.

IV. NEW U. S. DEPARTMENT OF AGRICULTURE RECIPE CARD FILES

The U. S. Department of Agriculture has made available a revision of recipe card files entitled, "Quantity Recipes of Type A School Lunches." Requests for these recipe card files should be made to the Bureau of Food Services of the California State Department of Education.

V. MISCELLANEOUS

A. Schools which serve reduced-price lunches to the entire enrollment are required to send a letter to parents and that letter must be accompanied by a form on which to make application for free lunches. Schools serving reduced-price lunches to the entire enrollment are not exempt from the requirement to provide all parents with application forms for free lunches.

B. The intent of federal regulations regarding the service of free and reduced price lunches is to assure that all children from a family be provided the same benefits. As such, the price of lunches in all schools of a school food authority must provide all the children in a family the chance to pay the same reduced price.

A school food authority must establish the same reduced price lunch price in elementary schools that it does in secondary schools under its jurisdiction.

C. Donated food may be ordered on the basis of 1½ times the regular allocation rate for Type A lunches served to pupils in grades 7 through 12 provided the quantity of food served to such pupils is increased by ½ the minimum Type A lunch requirement.

Sincerely,

James M. Hemphill

James M. Hemphill, Chief
Bureau of Food Services

JMH:psw

Attachment

PRESCHOOL AND CHILD CARE ELIGIBILITY AND FUNDING

EXHIBIT A

Preschool Programs

	Type of Program							Commodities	
	B	NSL	SA	State	SM	SFSPC	NFA	Sec. 6	Sec. 32
Private Head Start (Prior to 11-1-69)	No	No	No	No	X 1/	No	No	No	X
Private Head Start (After 11-1-69)	No	No	No	No	X 1/	X	X	X	X
School Agency Head Start	X 2/	X 2/	X 2/	No	X 1/	No	No	X	X
State Preschool, (AB 1331) District Operated	X 2/	X 2/	X 2/	No	X 1/	No	No	X	X
State Preschool, Private, Non Profit	No	No	No	No	No	X	X	X	X
ESEA - Title I Preschool	X 2/	X 2/	X 2/	No	X 1/	No	X	X	X
Child Care Programs									
Children's Centers (Preschool Age)	X 2/	X 2/	No	No	X 1/	No	X	X	X
Children's Centers (School Age)	X 2/	X 2/	No	No	X 1/	No	X	X	X
Day Care (Social Security- Title IV)	No	No	No	No	X	X	X	X	X
Day Care, Other Funding, i.e. OEO, HUD	No	No	No	No	No	X	X	X	X
Migrant Camp Centers (Summer)						X	X	X	X
Year Round Migrant Educ. (Regional Areas)	X	X	X	X	X 1/	No	X	X	X

1/ Special Milk (Non Pricing) Reimbursement Rate, 2 cents per 1/2 pint

2/ Eligible if district provides the same free meal for school age children

Code: B - Breakfast Program
NSL - National School Lunch (Type A) Program
SA - Special Assistance for free and reduced price lunches
State - Duffy - Moscone Act of 1970
SM - Special Milk Program
SFSPC - Special Food Service Program for Children
Sec 6 - Donated Commodities - Type A Lunches
Sec 32 - Surplus Commodities - All meals

88-201 O - 72 - 19

NUTRITION EVALUATION

Migrant Infant Day Care
1971

(Note: Comments apply also to Preschool Program as food service is shared)

Limited progress has been made during the 1971 year in food and nutrition services in the Migrant Education programs. Ability to progress continues to be severely hampered by lack of qualified personnel to administer the food services program and lack of qualified nutrition education input for teachers, cooks, parents and children.

Nutritional adequacy of the meals served varied greatly between centers and within a center from one day to the next. In an attempt to offer consistent and uniform nutrient intakes to the children in Region II and to control costs and ordering and delivery scheduling, a cycle menu was prepared and approved by both the State Department of Public Health and the Bureau of Food Services, State Department of Education.

Unfortunately, menus were not adhered to and substitutions made were not always equivalent in nutrient content. Adaptations made for infants frequently did not meet the infants needs for foods appropriate to their developmental ability or nutritional needs. Cultural foods were infrequently included.

In Region III head teachers wrote weekly menus. As nutrition and food service knowledge of teachers is limited, if not non-existent, menus were often inadequate as written and also suffered from substitutions as in Region II.

The qualifications and skills of the cooks varied. Several had both training and experience in School Lunch Programs; most had little or no training or experience other than cooking for their own families, which contributes little to quantity cookery knowledge and management skills.

The staff were, however, all willing and anxious to learn and improve and would have benefited from planned and continuous inservice education under the supervision of a qualified nutritionist or dietitian. Cooks and teachers expressed a need for cook's inservice education including menu planning, operation and maintenance of institutional equipment, quantity food preparation techniques, food purchasing, and time management and production scheduling.

Staffing patterns at the centers were irregular and not related to the number of meals served, the type of menu, nor the limitations of the facilities. The approximate ratios of meals served per cook were as follows: Gridley 33 meals/cook; Dixon 40 meals/cook; and Harney Lane 47 meals/cook. Insufficient staffing can lead to poor quality service while overstaffing is a waste of labor cost. These inconsistencies in staffing reflect lack of administrative ability to determine staffing needs.

Facilities were also inconsistent between centers and, with the exception of Gridley, grossly inadequate for the number of meals served. Equipment was

poorly layed out leading to work flow inefficiencies; there was inadequate storage space for dry foods (at Harney Lane they are stored in the head teacher's office); refrigeration space was also limited. None of the centers had dishwashers. Only Gridley had a commercial size mixer.

None of the kitchen facilities were inspected or approved by a sanitarian. It is my opinion that only Gridley would have passed such an inspection as the other centers had minimal facilities and as many of the cooks lacked knowledge of sanitary procedures in institutional settings.

It is impossible to determine the costs of the food service operations under current bookkeeping and inventory methods. Records of expenditures are obscure, inaccurate, and contradictory. There is no accurate information on costs of operation per child per day by age; costs per Region; costs per adult (staff vs visitors); percentage of costs as raw food vs percentage as labor; percentage of raw food costs as protein, vegetables, fruits, etc.; costs of non-food items such as paper goods, janitorial supplies, gas and electricity. Without this information, it is not possible to make effective management decisions.

It is known that food budgets were being used to purchase items for use in the day care program such as pencils, pampers, construction paper, etc. These are not food costs but were charged to the food budget.

Numerous procedural decisions were made without adequate knowledge of alternative methods of meeting nutrition or food service needs and without consideration of the affects on costs. For example, in both Regions II and III many foods were purchased from local grocers at retail prices and were picked up daily by either the cook or the head teacher. This was a wasteful and inappropriate use of personnel and an expensive method of food purchase, which reflects lack of qualified personnel in decision-making positions.

Reimbursements for food service were not consistent between Regions. While Region III received only Migrant Education funds for food service, Region II received 49¢/child/day reimbursement in federal funds through the Bureau of Food Services, State Department of Education (30¢ National School Lunch Program, 15¢ Federal Breakfast Program, 20¢ Snack Program). This could be construed as a form of discrimination which offered Region III less financial opportunity to meet the nutritional needs of children in its centers.

Region II complained that federal commodity foods did not arrive when needed for food services. For the most part, this was due to lack of planning based on quantity recipe needs, number of persons to be fed, and delivery schedule, and was not due to any inefficiencies on the part of the State Surplus Office. In addition, full use was not made of commodities due to lack of standardized quantity recipes (these were available but cooks had not been trained to use them) and lack of adequate equipment for preparation (especially mixers and oven space).

Various persons presented short (e.g. 1-2 hours) presentations on nutrition for cooks, parents and teaching staff (nutritionists from the State Department of Public Health and the Bureau of Food Services, State Department of Education, and home economists from Agriculture Extension). These presentations were of questionable value as there was no overall plan to meet specific nutrition education needs in the center, no consistency between person providing input,

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Audrey T. Cross, M.P.H.
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Bureau of Maternal and Child Health
State Department of Public Health
12/29/71

Evaluation of Health Program in Infant
Day Care Centers for Migrant Children

Region II

The following is a summary of health care during 1971 Summer Season in Day Care Centers under Migrant Education Program in Region II. Seven centers (2 with infant units) -- the data was not separated.

588 children were registered into the program.

Health screening was to have been accomplished by a screening team trained by the Yolo County Health Department to screen for physical defects, vision, hearing, anemia, abnormal urinary findings, tuberculosis and development. A health history Teacher Observation Form was to be developed and a preservice or inservice training program was to be instituted to train the teachers and aides in collecting health data and in looking for physical defects. Developmental testing were to have been done on all children (Denver Developmental Test) after a training session with the Yolo County Health Department.

The whole plan was outlined by the State Health Department, forms and guidelines were offered as guides.

A central referral office was to be set up in Woodland to keep track of the children's records approved and make referrals and to set up screening appointments, and make sure the referrals were properly carried out.

A screening team was hired and directed for 2 months by Richard Tortosa (a first year medical student) with the help of 2 other students and an ex-dental corpsman from the military.

249 children were dental screened by the ex-dental corpsman (he could not touch the children, only looked into their mouths with a light). 21 were referred for treatment.

97 children had "physical exams". (I am not sure by whom.) Of course, children undoubtedly were seen by the center nurses, by doctors, etc. but this information was not fed back to the teachers and thus not recorded. 25 children were referred but we don't know where and for what.

153 children (approximately 26%) were screened for hearing by the screening team. None were referred. This is in sharp contrast to 1970 experience where nearly 1/3 were referred. Even taking into account over-referral last year, this would suggest under-referral this year.

37 children were screened for vision. This represents only 6.3% of a group of children at particularly high risk for visual problems. Only 1 was referred. This would suggest that another 15 or so needed eye consultation but were missed.

34 children (5.8%) were screened for anemia; approximately 1/3 of this group were referred for treatment (all from Dixon Infant Center) but there is no documented evidence of who received treatment and for how long.

197 (33.5%) children had urine dipstix done; all were apparently normal and none were referred -- probably not too surprising.

73 children were tested for tuberculosis (tine test). This represents only 12% of a group at very high risk for TB.

We don't have specific information from Gridley Infant Day Care Center as it is lumped in with the total center's data. For Dixon, however, records show that 64 infants were enrolled during the summer, 24 had the dental screening, 37 had physical exams (with 8 referrals for ??), 34 had hematocrits as mentioned above, 15 had the TB tests and all had teacher observation forms filled out.

Region III

The situation at Harney Lane (Infant Center) revealed that of the number (how many?) enrolled who received medical services from the San Joaquin Medical Society, the breakdown was as follows:

Physical exam	15	Measles	3
Auditory screening	0		
Visual screening	0	Polio	
TB test	10	#1	0
		#2	4
DPT		#3	8
#1	3		
#2	1		
#3	1		
Booster	9		

General Comments

Approximately a year ago the Interagency Day Care Committee decided that health care should be a major consideration in the day care program. A general outline of the essential parts of a health plan were developed (see attached) which were to include:

1. Health screening of children and teachers.
2. Referral for needed services from screening and for emergency care.
3. Standing orders for non-life threatening illnesses in centers.
4. Health education to the teachers and aides in the program.
5. Evaluation of the programs.

The State Department of Public Health provided the outline of minimal health items which should be included, developed forms which could be used to evaluate the program, developed standing orders for minor illness, which were distributed to the Department of Education as well as the Regional offices (Regions II and III). In addition, a proposal for a pilot project for health care of migrant children in Region II was developed at the request of the Director of Region II (see attached). Site visits were made to all the camps with infant centers and there were many phone consultations with Regions II and III offices as well as a teaching session on nutrition and history taking. In spite of these efforts, site visits and final reports indicate that not even minimal health standards are being met and certainly no where near the level suggested in the Interagency Day Care Standards as set up by the Department of Health, Education, and Welfare.

1. Regulations as to space per child ratios were not adhered to.
2. Facilities were not being inspected (kitchens, plumbing, etc.) by local health departments.
3. There was no uniformity in checking into the health of the staff, particularly teachers and kitchen workers.
4. There was little real effort to meet nutritional needs in light of ethnic preference and limitations.

5. Region III infants were all screened but no adequate way has been set up to assure that deficiencies or medical referral needs were being followed up. Region II had no real health care plan at all but bits and pieces put together impulsively.

6. At Dixon, at least, there was not, until later on, a clear cut plan for emergency care.

7. A new test (Thorpe) was being evaluated while minimal standards of health care were not being met.

Recommendations:

1. Health care standards must be set by the State Department of Public Health (as now authorized by the Lewis Bill) and it must be the responsibility of the Regional Director to see that the standards are met.

2. There should be an overall State coordinator for health and for nutrition for these Day Care Centers.

3. Each Region should have a Public Health Nurse regional health coordinator to see that the regional plan is put into effect.

4. A specific budget must be designated to health and nutrition.

5. Forms for histories, physical exams, teacher observations, emergency care, etc., should be developed by all regions.

PROJECT FOR HEALTH CARE FOR MIGRANT CHILDREN OF REGION III

I. SUMMARY

Under the California Plan for the Education of Migrant Children (authorized by Public Law 89-750, Title I, Elementary and Secondary Education Act of 1966) the Department of Education, under the Division of Compensatory Education, devised a plan, written in compliance with federal requirements, to meet the educational needs of migrant children. In addition to the school age program with an interagency agreement with the State Department of Social Welfare and Human Resources Development and now with the State Department of Public Health, Day Care is provided in some 25 centers for preschool children (3 of which provide infant day care).

Among the objectives of the plan are "to provide supplementary health services for migrant children to alleviate health problems which interfere with the learning processes of these children".

Health as officially defined by the State Board of Education (April 9, 1970) "is a state of physical, mental and moral well-being and is dependent upon the interaction of these dimensions".

According to the evaluation report published in 1969 by the Division of Compensatory Education the California Plan was "planned to serve an estimated 43,345 children" - 2,535 preschool, 3,700 kindergarten, 29,000 grades 1 through 6, 7,500 grades 7 through 12 and 570 ungraded. In 1970 health services were furnished to only 4,285 migrant children (about 10 percent of the total eligible in California)!

Careful screening of 103 children (ages 19 months - 15 years) from the Region III* program revealed 22 cases of anemia, 17 visual defects, 17 hearing defects, 14 cases of otitis media, 4 heart murmurs, 14 cases of body lice, 8 upper respiratory infections and 15 other miscellaneous conditions. Two additional children had emotional problems. Similarly, review of 1,147 children (0-15 years)

* See map in appendix

screened in Region II in 1970; 20% had low hemoglobin, nearly 4% had abnormal urines, 10% abnormal hearing, 5% with visual difficulties. Only 40% of those found deficient received any further care and the definitive nature of the follow-up care is unknown. Relatively few children are screened; those who are have a high number of problems the outcome of which is largely unknown. Of 751 children screened for dental problems, 100% needed some dental care, 307 (42%) had serious dental problems needing immediate attention but only 201 or about 2/3 were treated. See appendix for 1971 Evaluation of Infant Centers.

Food service is provided to all children in the day care program. The nutritional adequacy and quality of service has varied greatly between centers and within a center from day to day, and has not consistently provided foods nutritionally appropriate for this age group. Reimbursements for food service has not been uniform per child between centers. Nutrition education for children, center staff, kitchen staff, and parents has been minimal, and provided in a disjointed manner. (See appendix for 1971 Evaluation of Nutrition Component in Migrant Day Care)

Nutrition and feeding is an important part of day care services for young children. A child grows and develops more rapidly during these years of life than at any other time, and growth and development is closely related to nutrition.

The target area for this pilot health program for migrant children will be Migrant Education Region III.(see map in appendix) This region includes San Joaquin, Stanislaus, Merced, Contra Costa and Madera counties. Only a few migrant children are identified in the latter two counties and there are no migrant camps or day care centers located within their borders. In the former 3 counties (Stanislaus, Merced and San Joaquin all of which are within Regional Medical Program Area III) there are 11 day care centers caring for some 800 infants and preschool children during the summer, as well as approximately 1,000 school age children. Throughout the year there are approximately 4,000 migrant children identified with the region.

Children may be enrolled from age 2 weeks through the 12th grade in school. The children are at a very high risk for health problems as outlined above.

The present health program consists of contracts between the Stanislaus and San Joaquin Medical Societies with Migrant Education to provide nurses at the day care centers within those counties during the summer months and to provide a certain controlled level of medical screening and medical care. In Merced county a nurse is hired to run the program each summer and to hire nurses for the day care centers. Our evaluation of the program reveals that the major effort now goes toward a "one shot" physical screening by physicians with totally inadequate follow-up of deficiencies in immunization, medical and surgical problems. The health education program has been scattered and inadequate.

Food service, provided by Migrant Education funds, was prepared at each center by untrained staff in inadequate kitchen facilities. Funds available from other resources to improve service, train staff, provide nutrition education were not applied for or coordinated.

It is believed that a much more comprehensive health and nutrition service than that offered by Head Start for over $100 per child per year for health and $1.75 per child per day for food service can be delivered to these children for a fraction of the cost by fully utilizing existing facilities with innovative ways of health evaluations and that comprehensive food and nutrition education services can be offered without greatly increased monetary allocations.

II. AGENCIES, INSTITUTIONS AND ORGANIZATIONS INVOLVED

The Bureau of Maternal and Child Health devised the program for improvement of health and nutrition services with the approval of the Interagency Coordinating Committee Migrant Day Care/Preschool and Group Infant Care Program. The Committee represents a coordinated effort between the State Department of Education, State Department of Public Health, State Department of Social Welfare and Human Resources Development, all of whom are concerned with migrant children.

In addition, the following have been involved in accessing needs and recommending solutions: the Bureau of School Food Services, State Department of Education, Doctor Leo Lopez, Chief and Mr. William Reynolds, Consultant, Bureau of Community Services and Migrant Education, Mrs. Edwina Mather, Consultant, Bureau of Preschool Education, State Department of Education, Mrs. Peggy Russo, Health Educator, Farm Workers Health Service, State Department of Public Health, and Miss Faustina Solis, Associate Professor of Community Medicine, University of California Medical School, La Jolla.

Many local groups have also assisted in formulating the program. Mr. Fabio Clet, Director, Region II Migrant Education, Mr. Floyd Schelby, Superintendent, Merced County Schools, and Mrs. Pat Jeffords, Project Director, Stanislaus County Rural Health Project for Stanislaus County Medical Society.

III. OBJECTIVES

The basic objective of this project is to upgrade, at least to a minimal acceptable standard, the health care of the migrant children. The addition of infant day care facilities allows younger and younger children to be medically evaluated and treated. The program stresses remediation and prevention of health problems rather than screening and will begin to develop the health component into a comprehensive health service.

These objectives are consistent with Regional Medical Program National Goals 1, 2, 10 and 11 (Developmental Component Objectives 1, 2, 2A, 2C) which specify development of preventive health services through focus on increased utilization of the health manpower pool directed at target groups of very young children of migrant farm workers.

The objectives of the project are:

A. To identify and compile a comprehensive list and do cost-benefit analysis of the health care facilities in Region III which are now being utilized, new sources of health care available to migrants but not now being used and to find new funding sources for expanding services.

B. To develop a plan for coordinating identified resources in order to develop a rational system for the delivery of comprehensive health services to the target group, including development of new means of continuous health evaluation for the identification of health defects and a carefully outlined plan for rapid referral and follow-up.

C. To evaluate these health services in view of the standards presently being developed by the State Department of Public Health for Day Care (based on the new model being developed by the office of Child Development by a task force chaired by Dr. Ann Peters).

D. To coordinate funding and education resources currently available for provision of food services and nutrition education and identify additional resources for expanding nutritional care.

E. To education teachers, aides, parents, etc., of migrant children in health and nutrition in order to make them more knowledgeable and more aware of the health and nutritional problems of the children and resources available for solving these problems.

F. To evaluate within the period of the grant proposal the effectiveness of this approach to the delivery of comprehensive, coordinated health services for migrant children and to plan for its expansion on a state wide basis for migrant day care centers.

IV. IMPLEMENTATION

A. The administration of the health and nutrition program of Region III be turned over to the State Department of Public Health (Bureau of Maternal and Child Health) along with the health and food services budget.

B. A central office for health will be established in Merced with a regional health services coordinator, (a public health nurse whose qualifications and responsibilities are outlined in the appendix) and a regional nutritionist (whose qualifications and responsibilities are outlined in the appendix).

C. Office space, travel expenses, clerical help for the nurse and nutritionist has been allocated (see interagency agreement) from Migrant Education funds.

D. The Health Services Coordinator under the direction of the State Department of Public Health medical staff shall have the responsibility to:

1. Make a survey of health care facilities and funding resources available to migrant children of Region III (reasonably extensive within the time limits of the grant period).

2. develop a regional plan to use these health resources in a comprehensive health system including,

a. development of a record keeping system to prevent duplication of services, to assure satisfactory completion of referrals and feed back of information referral source.

b. To develop and coordinate new means of health evaluation for the identification and referral of health problems.

c. To develop a system for insuring that the child with an identified health problem reaches the source of remediation.

d. To develop a health training program for teachers, aides, and parents in order that they may become health advocates for the migrant children.

E. The Nutritionist, under the direction of the Bureau of Maternal and Child Health, SDPH, shall have the responsibility to:

1. make a survey of food services facilities and purchasing alternatives available in Region III and funding resources available from local, state and federal sources for nutrition services and education.

2. Develop a regional plan to use these facilities and funding resources in a comprehensive nutrition program including,

   a. development of a record keeping system to monitor expenditures, nutrient intakes of children and use of funds

   b. development and coordination with the health evaluation, a nutritional status evaluation for the identification and referral of nutrition problems

   c. development of a nutrition training program for teachers, aides, children and parents to increase their awareness of the impact of nutrition on growth, development and learning, and means of improving nutritional status.

F. The centralized planning, payment and record keeping efforts of the project will generate the information necessary for evaluation of the program. Standard history, referral, payment, feedback, daily observation forms will be developed by the health services coordinator and nutritionist.

V. EVALUATION

The evaluation of the program will consist of:

A. A careful statistical review of the data generated from the "Summary of Health Problems" form, which should tell us:

1. The number of children receiving health evaluations.
2. The number with missing parts of the various screening components.
3. The deficiencies in past history data retrieval.
4. The deficiencies of preventative measures (immunizations).
5. Health and nutrition problems discovered in screening.
6. Health problems referred and where referred.
7. Results of referral (Special effort will be made to see that referrals are carried out and that the ultimate results recorded.).
8. Cost of referral (and payment source).

This kind of data has not been available previously and should be invaluable in developing more comprehensive health services to other regions with migrant children.

B. A written document describing the sources of health care facilities, manpower and funds for health and nutrition in Region III. (with reasonable expectations in the time limit of the grant)

C. A summary of the nutritional status of the migrant children in Region III as determined by dietary histories and some biochemical data from the health evaluation.

D. Cost analysis of the food services operation including costs of equipment, physical plant, labor, food, non-food supplies, operation and maintenance, inventory, procurement, transport, and storage.

VI. FUNDING PLANS AFTER DEVELOPMENTAL COMPONENT SUPPORT TERMINATION

The Bureau of Community Services and Migrant Education, State Department of Education, has agreed to assume responsibility for support of the Health Services Coordinator and Nutritionist when Regional Medical Program funds are terminated.

Education, with continued assistance from the Bureau of Maternal and Child Health, SDPH, plans to expand the model system for delivery of health care and nutrition services to other Migrant Education Regions within the state after its development by the Regional Medical Program grant.

DEVELOPMENTAL COMPONENT
BUDGET

Date Rev'd
Reviewer

Applicant: Executive Board of Regional Migrant Education Component Region III

Project Title: Project for Health Care for Migrant Children of Region III

Project Period: From Feb. 1972 to Feb. 1973 (Inclusive)

DESCRIPTION (Itemize)			AMOUNT REQUESTED (Omit cents)			Other Support (not inclu in amoun requeste
Personnel Name	Title of Position	Time or Effort %/Hrs.	Salary	Fringe Benefits	Total	
Contributions by Bureau of Maternal and Child Health, S.D.H.E. and Region III Migrant Education						$20,951.00
Health Services Coord.		100%	15,776	1,813	1,089	
Nutri. Services Coord.		100%	12,536	1,488	14,024	
TOTAL PERSONNEL						
Equipment (specify)						
Sub-contracts (attach individual budget sheets for each sub-contract)						
Other						
Total Direct Costs						
Total Costs					31,'13	

*Support for this project. Show dollar equivalent of services "in kind".

Explain any individual non-personnel items in excess of 25% of total direct costs:

If total project is to be sub-contracted by applicant, supply name, address and name of responsible fiscal officer for the sub-contractor:

Form CCMP-MDCXXXIV - Rev. 5/6/72

BUDGET

The following contributions of funds or personnel will be made:

from Bureau of Maternal and Child Health, SDPH		
Warren E. Hawes, M.D.	15% time	$4,325.00
Audrey T. Cross, RD, MPH	10% time	1,112.00
from Region III, Migrant Education Office		
Secretary	100% time	$6,300.00
Office space and office equipment and supplies		2,254.00
Travel Allowance		5,760.00
Fabio Clet, Director, Reg. III	5% time	1,000.00
		20,951.00

APPENDIX

REGIONAL ORGANIZATION MAP
CALIFORNIA PLAN FOR THE EDUCATION
OF MIGRANT CHILDREN

APPENDIX

DETAIL OF SERVICES TO BE DEVELOPED

A. Screening and Health Evaluations

1. History (American Academy Form in detail, use one form only in lay language, Spanish and English).
   a. (Most important part of evaluation)
   b. person taking history, if not an M.D., must be properly trained and approved by director of project.
   c. method of acquiring old records
   d. review of all abnormal histories by physician or nurse
      1) for picking out possible diagnosis and making referral
      2) for missing data
   e. two copies:
      1) one in central office, Region II
      2) one with child that is up-to-date
2. Release forms from parents attached to medical record and kept with child for:
   a. transport of child to medical facility of teacher's choice and to permit physician of her choice to treat the child
   b. giving of immunization, medication, etc., by teacher, PHN, etc., in centers. Medication only on prescription by M.D. and signed release of parents
   c. release of medical records
   d. check with Attorney General's office on legal limits of such forms
3. Physical evaluation
   a. Visual examination
      1) infants:
         a) teacher observation, valuable but needs training

b) tracking spot of light at 20"

c) consultation with ophthalmologists

2) older children:

use Snellen charts, cover test like school program, prism test or other tests

b. Hearing - needs special training and equipment and standards

1) consultation with otologist

2) little value under 1 year except teacher observation

c. PhonoCardioScan - screening program to be developed with American Heart Association

d. Height and weight. Head and chest measurements. Record on Iowa chart

e. Dental evaluation. This has been done by contract with UCSF Dental School using a mobile unit as a teaching program. The children are prescreened 2 weeks before the dental unit arrives, then treated. This can be expanded by adding a year-round mobile dental unit using local dentist and dental hygienists.

f. Tuberculin Testing. By "Tine" method yearly or every six months where history of the family is obtained. Arrangements for reading test at 24 - 48 hours, repeat tests where positive or questionable and follow-up x-rays must be made.

g. Urine screening with test strip for albumin, occult blood, Ph, sugar acetone and phenylketonuria.

h. Estimation of hemoglobin level by hematocrit or hemoglobin determination.

i. Developmental testing by Denver Development Test or Helene Thorpe Developmental Inventory.

4. Review of history and physical evaluation by the nurse director and by contract pediatricians for:
   a. recording of abnormal findings
   b. examination of children with questionable medical problems as derived from the history and physical evaluations.
   c. decision on referral deposition from sources available
   d. arranging with central referral clerk for carrying out the referral (making appointments, arranging transportation) and recording the result for final evaluation
   e. making decisions on authorizing major medical and surgical procedures not available locally

B. Procedures and Policies for Episodic Illness and/or Emergencies

1. Training of staff in:
   a. use of standing orders
   b. responsibilities for handling emergencies
   c. resources available for outside emergency care
   d. evaluation of emergency and non-emergency conditions
   e. first aid (Red Cross First Aid Training required for all teachers in center)
2. Establish outside medical referral sources, on a contractual basis for emergency care and evaluation of sudden life threatening illness.
3. Obtaining emergency procedure forms on each infant registered in the program (i.e., parent release forms).

C. Procedures and Policies for Staff in Handling Minor Health Problems

1. These will be readily available in written form to each of the teachers.
2. The supplies needed to carry out these standing orders must be both available in the center and kept current.

3. Illness

Staff must be trained to handle simple illness and evaluate the need for further medical help.

4. Injuries or accidents

Staff will be trained in First Aid by the American Red Cross or similar course to handle such emergencies and the First Aid Handbook will be available in each center.

5. A Manual for the Control of Communicable Disease in California - a State Department of Public Health publication for handling contagious diseases - to be used in consultation with PHN or MD.

6. When situation calls for outside help:

a. arrangements for transportation

b. source of referral

c. aide to accompany child

d. notification of parent

e. arrangements for follow-up care

f. return of clinical data to center for records

D. Nutrition Component

1. Develops standards for:

a. nutritional quality of food served

b. nutrition component of education program

2. Develops policies and procedures for:

a. purchase, delivery, preparation, and service of food, and safety and sanitation of service

b. staffing patterns, personnel qualifications, salaries

c. budgets and cost analysis

3. Plans and implements nutrition education programs for:

a. cooking staff

b. teaching staff and children

c. parents

E. Policies for Assuring Health of Staff

For infant and preschool programs:

1. Physical examination by physician consisting of:

   a. TB clearance (negative TBC test or chest x-ray)

   b. Physical evaluation

   c. Staff examination of stools for parasites and pathological bacteria (specimens can be obtained in the center and sent to the State laboratory)

   d. careful clearance for skin disease including:

      1) impetigo

      2) skin infestations (i.e., scabies)

      3) ringworm

      4) monilia and other fungal infections

2. Emotional and mental health of staff should be taken into consideration (If emotional behavior is found to be of a type detrimental to the children, such persons should not be allowed to work with the children.)

3. Arrangements should be made for a medical evaluation of the staff as needed for episodic illness or accidents, since they relate to the children (i.e., their ability to come to work).

PERSONNEL

I. Public Health Nurse Health Services Coordinator for Region III Migrant Health Program

A. Qualifications

1. Public Health Nurse (Masters degree in Public Health Nursing) using same State Department of Public Health Civil Service classification as Public Health Nurse II.
2. Experience in administration and in teaching and supervision of other nursing personnel.
3. Ability to speak Spanish and know both the Mexican-American and Migrant culture.
4. Interested in further education (possibly training in the extended nursing role) and public health administration.

B. Responsibilities

The nurse will work under the direct supervision of the medical staff of the State Department of Public Health to provide:

1. Inservice training to all staff in centers and teachers in public schools with migrant children.
   a. history taking
   b. teacher observations of health problems
   c. screening for physical defects
   d. recognition of medical emergencies
   e. use of standing orders, contagious disease and emergency manuals
2. Negotiate contracts with local M.D., local health departments and other health care services for:
   a. emergency medical care to the migrant children
   b. care for referred cases (from health screening or for illness)
   c. arranging for referral of special health problems where local

facilities are not available and develop a mechanism by which referrals can be carried out immediately and their results documented for evaluation as quickly as they are available.

d. development and approval of standing orders for teachers to follow for minor illness in the day care center.

3. Act as health consultant to staff.

4. Develop a health screening program for the infants and children in Region III.

a. Make arrangements with local school nurses to screen migrant school age youngsters throughout the school year and get information back to Region III center.

b. Also to encourage the school nurse to bring her program up to the State Department of Public Health screening standards.

c. Development of a summer screening plan and schedule children for health screening. (Only those youngsters who were not screened during the regular school year or recent past seasons.)

5. Responsibilities to General Program

a. Administer general program under supervision of medical staff of the State Department of Public Health.

b. Hire personnel

1) full-time clerk-typist

2) consultants for teaching and program evaluation

3) physician to review charts, etc.

4) part-time summer help for screening children

c. Establish with Community Aides and Instructional Aides and their supervisors for their role in the health program.

d. Collecting data for evaluation of program.

e. Coordination with the other Migrant Education and Migrant Health Programs.

f. Contract with local medical facilities for each category of care under supervision of the State Department of Public Health.

II. Nutrition Services Coordinator for Region III Migrant Nutrition Program

A. Qualifications

1. Public Health Nutritionist (Master of Public Health Nutrition meeting the State Dept. Public Health Civil Service classification Public Health Nutrition Consultant II)
2. Experience in food service management, food service personnel supervision and training
3. Experience in community nutrition and nutrition education
4. Ability to speak Spanish and know both the Mexican American and Migrant cultures.

B. Responsibilities

1. Serves nutritionally adequate and palatable food under the strictest standards of sanitation and within the budget allotted.
2. Developes policies and procedures relative to food and nutrition services in the centers and to purchase of food, equipment, and services, personnel and salary ranges, catering and other activities of concern to the centers.
3. Plans menus to meet the nutritional standards set for each age group in the center; standardizes recipes for use on the menu and to allow cost control; and supervises production of menus at the centers.
4. Establishes standards to be maintained in food production, food service, sanitation and safety, and insures that local sanitary and restaurant codes are adhered to.
5. Plans floor and equipment needs, layout, and utilization of equipment at each center.
6. Estimates numbers of persons to be served, than determines quantities of food needed to purchase and prepare, ordering and delivery schedules, and bidding procedures.
7. Prepares a budget which itemizes all costs: equipment, physical plant, labor, food, non-food supplies, operation & maintance, inventory, procurement and transport, and storage.
8. Prepares an annual budget reporting costs of operation and stating needs for the following year - this should include costs per meal; cost per child age 2-5 yrs; cost per child age 0-2 yrs; cost per adult.
9. Establishes staffing patterns and plans for changes based on predicted trends and changes in services.

10. Identifies activities and tasks required to produce food, divides them into positions; selects personnel to meet the table of organization - without duplication of responsibility or overstaffing.

11. Establishes job descriptions (assigned responsibilities & authority) and work schedules for each staff position and routinely evaluates each position.

12. Trains, supervises, directs, motivates, and disciplines all staff, establishing effective communication with them.

13. Periodically evaluates self, staff, and the progress of center kitchen and nutrition services in a constant attempt to improve.

14. Makes specific dietary adjustments in the meal plans for children with special dietary needs.

15. Collects periodic data on the dietary intakes of children in the centers and summarizes this information with data from the health evaluations to determine the nutritional status of the children and to note progress resulting from nutritional services at the center.

16. Supervises nutritional aspects of care of infants and preschoolers.

17. Provides continuous in-service education to infant and preschool center staff, including assisting teaching staff with planning and implementation of nutrition education experiences for the children.

18. Provides nutrition education opportunities for families residing in the camps with emphasis on normal nutrition, food economics, and storage and preparation difficulties encountered in migrant living.

19. Coordinates nutritional activities with overall educational goals and activities planned by Regional and State Educational staffs.

20. Reports routinely in writing and in conference to the Interagency Council on present situations in the centers, pertinent observations, future plans, and cost efficiency of operation.